



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

CRL OP(MD)No.12360 of 2018

WEB COPY

Senthilkumar

... Petitioner / Petitioner

Vs.

1.The Superintendent of Police,
Karur District,
Karur.

2.The Inspector of Police,
Velayuthampalayam Police Station,
Velayuthampalayam,
Karur District
(In Crime No.192 of 2018)

3.The Inspector of Police,
CBCID, Madurai Unit,
Madurai.

... Respondents / Respondents

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, to withdraw and transfer the investigation in Crime No.192 of 2018, from the file of the 2nd respondent to the file of the 3rd respondent.

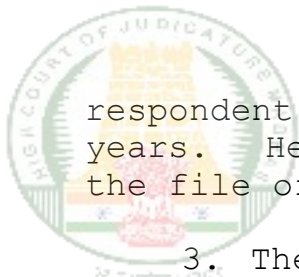
For Petitioner : Mr.S.Gokul Raj

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to direct the 1st respondent to withdraw the FIR registered in Crime No.192 of 2018, on the file of the 2nd respondent and entrust the same to the file of the 3rd respondent, for proper investigation.

2. The learned counsel appearing for the petitioner would submit that based on the complaint given by the petitioner, the 2nd respondent police registered a case in Crime No.192 of 2018 under Section 379 IPC. The further submission of the counsel for the petitioner is that during the time of occurrence, a two wheeler viz., 'Royal Enfield', bearing Registration No.TN-47-AK-2292 was stolen away. Though the case has been registered properly, the 2nd



respondent has not recovered the stolen property for the past two years. Hence, it is necessary to transfer the investigation from the file of the 2nd respondent to the file of the 3rd respondent.

3. The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that even after made sufficient efforts by the 2nd respondent, the stolen property has not been recovered sofar.

4. Upon considering the arguments advanced by the learned counsels appearing on either side, no doubt, whenever any information in relation to commission of cognizable or non-cognizable offence is received, the police officer shall adhere to the procedure contemplated under Sections 154 & 155 of the Criminal Procedure Code and after conducting necessary enquiry/investigation, file final report under Section 173 of Cr.P.C. Such investigation under Chapter XII of the Criminal Procedure Code shall be completed without any unnecessary delay. The delay in filing a final report in the present case is inordinate and unjustified. Hence, it would be appropriate to direct the Investigating Officer to file a final report within a stipulated time, if not already filed.

5. Therefore, though the stolen property was not traceable, it is the duty of the 2nd respondent to file a final report after mentioning the details of the investigation. Therefore, considering the facts and circumstances of the case, it would be appropriate to give some direction to the 2nd respondent for filing the final report. The 2nd respondent is directed to file a final report within a period of one month from the date of receipt of a copy of this order.

6. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

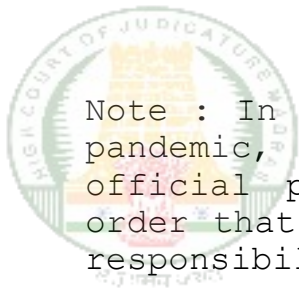
Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The Superintendent of Police,
Karur District, Karur.
- 2.The Inspector of Police,
Velayuthampalayam Police Station,
Velayuthampalayam,
Karur District
- 3.The Inspector of Police,
CBCID, Madurai Unit,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AP(03/08/2020) 3P 5C