

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.6455 of 2021

S.Gopalakrishnan

... Petitioner

Versus

1.The Superintendent of Police,
Ranipetai District,
Ranipet-632403.

2.The Deputy Superintendent of Police,
Ranipetai District,
Ranipet-632403.

3.The Inspector of Police,
Ranipet Police Station,
Ranipet-632403.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.252 of 2015 pending on the file of the 3rd respondent Police to Crime Branch Central Investigation Department (CBCID), Vellore and consequently direct the Crime Branch Central Investigation Department (CBCID) to conduct the fresh investigation by an officer or not the below rank of Superintendent of Police and conclude the investigation within the time stipulated by this Court.

For Petitioner : Mr.J.Prakasam

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

ORDER

The petitioner/defacto complainant in Crime No.252 of 2015 has filed the above petition seeking transfer of the investigation, since the 3rd respondent Police did not conduct the proper investigation.

2.The learned counsel for the petitioner submitted that the FIR was registered, for offence under Sections 457 and 380 IPC on 17.05.2015. After a lapse of five years on 18.11.2020, the 3rd respondent Police informed the petitioner through phone that action was dropped as 'Undetected' and notice was served in this regard. The learned counsel further submitted that no fruitful investigation was conducted by the 3rd respondent Police to secure the accused and recover the properties. Hence, he prayed for transfer of the investigation in Crime No.252 of 2015.

3.The learned Additional Public Prosecutor appearing for the respondents on perusal of the case diary submitted that despite taking best efforts, the accused could not be secured and the property could not be recovered. Hence, a closure report came to be filed on 18.11.2020 as 'Undetected'. The learned Additional Public Prosecutor fairly submitted that this Court in catena of cases clearly held that a case cannot be closed for the reason that 'Undetected' and the Police to continue with the investigation and as and when the accused is apprehended and property is recovered, the Police to further proceed with the investigation. In this case, though the closure report has been filed, in which it is mentioned that the investigation would not be closed and surveillance would be kept and as and when any information is received, the Police would further pursue the case and secure the accused.

4.In order to substantiate his arguments, the learned Additional Public Prosecutor relied upon the order of this Court in the case of "U.Amirtham Versus The State Rep by, the Sub Inspector of Police, Vedachandur Police Station, Vedachandur in CrI.O.P(MD).No.16805 of 2018, dated 20.09.2018."

5.In view of the above, the learned District Munsif cum Judicial Magistrate, Ranipet is directed not to accept the closure report and keep it pending. As and when the accused is apprehended and the property is recovered, the 3rd respondent Police is directed to continue with the investigation till the final report is filed and inform the same to the defacto complainant. On receipt of the information, the petitioner is at liberty to file a protest petition before the learned District Munsif cum Judicial Magistrate, Ranipet and produce the order of this Court so that no order affecting the petitioner to be passed.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Munsif cum Judicial Magistrate Court,
Ranipet.
- 2.The Superintendent of Police,
Ranipetai District,
Ranipet-632403.
- 3.The Deputy Superintendent of Police,
Ranipetai District,
Ranipet-632403.
- 4.The Inspector of Police,
Ranipet Police Station,
Ranipet-632403.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Prakasam, Advocate Sr.24252

सत्यमेव जयते

CRL.O.P.No.6455 of 2021

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srg 18/06/2021

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