



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGOVAN

Crl.O.P. (MD) .No.5360 of 2021

and

Crl.MP (MD) .No.3091 of 2021

R.Soundara Pandiyan

... Petitioner/Defacto Complainant

Vs.

1. The Superintendent of Police,
O/o The Superintendent of Police,
Madurai District.
 2. The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Samayanallur Sub-division,
Madurai District.
 3. The Inspector of Police,
Samayanallur Police Station,
Madurai District.
- ... Respondents

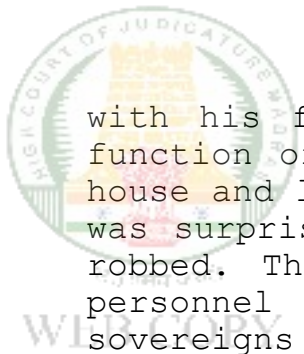
Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 3rd respondent to initiate a fresh, investigation in Crime No.51 of 2017 dated 03.02.2017 registered U/s.457 and 380 of I.P.C on the file of Respondent No.3 and conduct fresh investigation by a Competent Officer or any other independent investigating agency and file a final report before the Jurisdictional Magistrate within the time stipulated by this Court.

For Petitioners : Mr.T.Lajapathi Roy
For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This Criminal Original petition is filed directing the 3rd respondent to initiate a fresh, investigation in Crime No.51 of 2017 dated 03.02.2017 registered under Sections 457 and 380 of IPC on the file of the third respondent and conduct fresh investigation by a Competent Officer or any other independent investigating agency and file a final report before the Jurisdictional Magistrate within the time stipulated by this Court.

2. The case of the petitioner is that he is working as a Assistant Engineer in TANGEDCO. On 01.02.2017, the petitioner along



with his family left to Aundipatti, Theni District for a wedding function of a close relative. The petitioner's family locked their house and left around 5 p.m. Soon after their return, the petitioner was surprised to see his house locks were broken and his house was robbed. The petitioner found his house was break open by accused personnel and they have committed theft and has stolen nearly 16 sovereigns of gold from the petitioner's house. Immediately the petitioner lodged a complaint before the third respondent and a F.I.R. in Crime No.51 of 2017 was registered on 03.02.2017 for the offences under Sections 457 and 380 of IPC. He has furnished the details of the jewels which were stolen, to the 3rd respondent, by the accused persons. As on day the total value of the jewels is around 21,23,288/- (Twenty one lakh twenty three thousand and two hundred and eighty eight rupees only). Subsequent to registration of the above said Crime No.51 of 2017, the petitioner visited the third respondent police station to enquire about the complaint. The progress of the investigation, on every such occasion there was a mechanical response saying that a special team has been formed and steps are being taken to arrest the culprits. However, no such steps, much less with any fruitful result, were taken by the 3rd respondent. Hence, the petitioner was constrained/compelled to even send grievance petition on 13.02.2017, 27.02.2017, 23.04.2017, 14.07.2017, 25.10.2017, 07.10.2018, 29.09.2018, 22.09.2019, 16.10.2019, 13.11.2019, 18.12.2019, 18.12.2019, 23.07.2020, 11.01.2021 to the first respondent and representation to the Chief Minister Cell on 13.06.2019 requesting for direction for effective investigation. Even thereafter there has been no progress in the case. The third respondent police reopened the case as on when the accused is apprehended. However, the third respondent did not find out the accused and failed to recover the stolen property even after a lapse of 7 years with the reason best known to them. It is more than 7 years the order passed by this Court and there is absolutely no effort taken by the third respondent to apprehend the accused. Unless the case is reopened there would be no effective investigation at all. Hence it is just and necessary to issue suitable direction to order fresh investigation by the first respondent. Unless the same is done it will result in failure of the justice and petitioner will be remediless. Hence he filed this Criminal Original Petition.

3. According to the learned counsel for the petitioner, since 2017 no progress has been made, regarding investigation.

4. According to the learned Government Advocate, during the course of investigation, the third respondent was not able to detect the crime and hence they prepared interim closure report. He would further submit that as per the Judgment of Full Bench in the case of *Chinnathambi @ Subramani Vs State represented by The Inspector of Police*, reported in 2017 2CPC 241, at any time, the Police may reopen the investigation and so he requests proper directions may be issued in this regard.



5. Considering the facts and submissions, there shall be a direction to the second respondent herein to monitor further progress of the investigation and file final report as early as possible.

6. With these directions, this Criminal Original Petition is disposed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm

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.

To

1. The Superintendent of Police,
O/o The Superintendent of Police,
Madurai District.
2. The Deputy Superintendent of Police,
O/o The Deputy Superintendent of Police,
Samayanallur Sub-division,
Madurai District.
3. The Inspector of Police,
Samayanallur Police Station,
Madurai District.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate(SR-16375[F] dated 19/04/2021)

Crl.O.P. (MD)No.5360 of 2021
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RC (03.08.2021) 3P-5C