



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2021

CORAM:

THE HONOURABLE **MR. JUSTICE G. ILANGO VAN**

Crl.O.P.(MD)No.6205 of 2021

Dilaksana

... Petitioner/Accused No.2

Vs.

The Inspector of Police,
Dhanushkodi Police Station,
Ramanathapuram District.
(Crime No.96/2019).

... Respondent/Complainant

PRAYER : Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the respondent, Inspector of Police, Dhanushkodi Police Station, Ramanathapuram District to expedite the investigation in Crime No.96 of 2019 dated 17.12.2019 and the file the Final Report, within the time frame as may be fixed by this Court.

For Petitioner	: Mr.T.Veerakumar
For Respondent	: Mr.K.Suyambulinga Bharathi
	Government Advocate(Crl.side)

ORDER

This petition is filed seeking a direction to the respondent, Inspector of Police, Dhanushkodi Police Station, Ramanathapuram District to expedite the investigation in Crime No.96 of 2019 dated 17.12.2019 and file the Final Report, within the time frame as may be fixed by this Court.

2. The case of the prosecution is that on 17.12.2019, based on the complaint lodged by the Inspector of Police, Q Branch C.I.D, the case has been registered as against the petitioner and her husband and other accused persons in Cr.No.96 of 2019 on the file of the respondent Police for the offences punishable under Section 14 of the Foreigners Act, 1946 and Section 12(1)(a) r/w Section 3 of Passport Act, 1967 and the petitioner has been arrayed as 2nd accused. On 16.12.2019, on getting secret information that 6 persons were standing suspiciously near the seashore, the defacto complainant along with his Police party went to the spot and enquired the petitioner and her husband and other accused persons in this case and based on enquiry, it is further alleged that the petitioner and her husband have regularly been coming to India from the year 2011 onwards, with valid passport and stayed here and returned back to Srilanka. After marriage, her husband came to India lastly on 22.12.2012 and the petitioner and her husband stayed here at Thiruvallur District. Under these circumstances, the petitioner



and her husband and other accused persons in this case tried to return back to Srilanka by using sea route.

3. After registration of the case, the respondent Police had arrested the petitioner and her husband and other accused persons in this case and the petitioner was pleased to be enlarged on bail by the learned Judicial Magistrate, Rameshwaram in CrI.MP.No.692 of 2020 dated 02.03.2020 on condition that the petitioner has to stay at Special Refugee camp, Mandapam, Ramanathapuram District in pursuance of the letter issued by the Principal Secretary to Government of Tamil Nadu dated 09.03.2020 to get permission, regarding accommodating the petitioner at the Special Refugee Camp, Mandapam, Ramanathapuram District and since then, the petitioner has been staying at Special Refugee Camp, Mandapam, Ramanathapuram so far. The petitioner has been sincerely cooperating with the investigation, but the respondent Police have no interest in expediting the investigation and they did not prefer to file the final report before the jurisdictional Magistrate so far. When the petitioner was enlarged on bail, the condition imposed on the petitioner is that she shall not leave India without getting prior permission of the Court. She has been constrained to stay at Special Refugees Camp at Mandapam, indefinitely, since the respondent Police did not choose to file final report before the concerned jurisdictional Magistrate and thereby the respondent Police is curtailing the petitioner from facing the trial even though she is willing to face the trial. It is the bounden duty of the respondent Police to expedite the investigation and file the final report under the provisions contemplated under Section 173 of Cr.P.C., without unnecessary delay. Eventhough the case was registered as early as on 17.12.2019, the respondent Police did not file the final report before the competent jurisdictional Magistrate Court so far. Hence, the petitioner filed this Criminal Original Petition.

4. The learned Public Prosecutor would submit that the crime is of the year 2019 and the offences are under Section 14 of the Foreigners Act, 1946 and Section 12(1)(a) r/w Section 3 of Passport Act.

5. Considering the nature of the case, there shall be a direction to the respondent to expedite the investigation and file a final report within a period of four months from the date of receipt of a copy of this order.

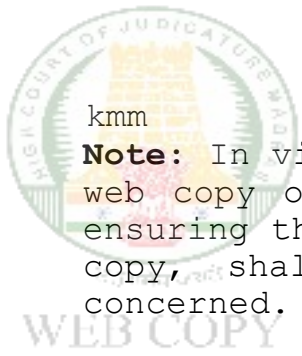
Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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

The Inspector of Police,
Dhanushkodi Police Station,
Ramanathapuram District.

+1 CC to M/s.T.VEERAKUMAR, Advocate (SR-18327[F] dated 03/05/2021)

CrI.O.P. (MD) No. 6025 of 2021
30.04.2021

ls (CO)
TR(12.07.2021) 3P 3C