



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P. (MD)No. 15125 of 2021

WEB COPY

Suresh Kumar

... Petitioner/ Defacto Complainant

Vs.

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli.
Crime No.01 of 2020

... Respondents/Respondents

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the second respondent to secure the accused in Crime No.1 of 2020 on the file of the second respondent and to expedite the investigation under the supervision of the first respondent.

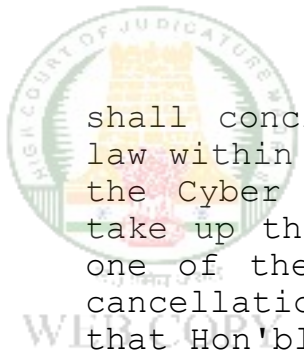
For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.M.Veeranthiran
Government Advocate

ORDER

This Criminal Original Petition has been filed for directing the second respondent to secure the accused in Crime No.1 of 2020 and to expedite the investigation. I must make it clear that whether to arrest the accused or not is left to discretion of the investigation officer. Courts do not have the jurisdiction to mandate the police to arrest any particular accused. This part of the prayer is not maintainable.

2. However, there is sufficient jurisdiction in the complaint of the petitioner that even though the case was registered as early as 02.01.2020, till date there is virtually no progress in the investigation. The case on hand can be dealt with only by an investigation officer having acquaintance with cyber matters. Therefore, the investigation in Crime No.1 of 2020 is to be withdrawn from the file of the second respondent. I direct the first respondent to withdraw the case in Crime No.1 of 2020 and entrust the case to the jurisdictional cyber cell. Proceeding to that effect will be issued forthwith and without any delay. The Inspector of Police, Cyber cell Police station, Tirunelveli City



shall conclude the investigation on merits and in accordance with law within a period of three months thereafter. It is expected that the Cyber cell Tirunelveli will issue summons to the accused and take up the investigation earnestly. In this case, bail granted to one of the accused was cancelled by this Court and the order of cancellation has been stayed by the Hon'ble Supreme Court. The fact that Hon'ble Supreme Court is dealing with the issue of cancellation shall not come in the way of the Inspector of Police, Cyber Cell, to conducting the investigation and filing the final report. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

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 Commissioner of Police,
Tirunelveli City,
Tirunelveli.
- 2.The Inspector of Police,
City Crime Branch,
Tirunelveli City,
Tirunelveli.
3. The Inspector of Police,
Cyber Cell Police Station,
Tirunelveli City,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI O.P. (MD)No.15125 of 2021
03.12.2021

MSK(CO)
KB(22.12.2021) 2P 5C