



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.17477 of 2021

WEB COPY

K.Saroja

... Petitioner

Vs

1.The Secretary

Ministry of Home Affairs,
Chennai.

2.The Director General of Police,

Police Headquarters,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600004.

3.The Additional Director General of Police,

CBCID Police Department,
CBCID Police Head Quarters,
Guindy,
Chennai-600004.

4.The Deputy Superintendent of Police,

CBCID (OCIU) Police Department,
Vasanth Nagar, Perumalpuram
Tirunelveli District.

5.The Secretary to Government,

Public Law and Order Department,
Chennai.

(the fifth respondent is suo motu impleaded by this Court
vide order dated 11.11.2021)

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to consider the petitioner's representation dated 02.08.2021 and further direct the fourth respondent to conclude the investigation and to file the final report in Crime No.2 of 2020 which is one the file of the fourth respondent within a period of time as stipulated by this Court.

For Petitioner

: Mr.V.Rajiv Rufus

For R1 to R5

: Mr.M.Veeranthiran
Government Advocate



ORDER

The husband of the petitioner was the defacto complainant in Crime No.2 of 2020 registered on the file of the fourth respondent. He passed away on 03.12.2020. This Criminal Original Petition has been filed for directing the fourth respondent to conclude the investigation and file the final report.

2. When the matter was taken up for hearing, the learned Government Advocate, on instructions, submitted that the papers relating to the subject matter are presently in the custody of the Secretary to Government, Public Law and order Department. Therefore, the fourth respondent is totally handicapped and is not in a position to conduct any investigation.

3.The learned counsel for the petitioner brings it to my notice that the occurrence took place in the year 2017 and that the local police registered a case in the year 2018 and that it was transferred to the file of the fourth respondent in the year 2020.

4. When a criminal case was registered by the fourth respondent way back in July 2020, it is not proper that investigation is kept pending for more than one year and four months. The Secretary to Government, Public Law and Order Department is directed to forthwith hand over the papers connected to Crime No.2 of 2020 to the fourth respondent. After receipt of the papers from the Secretary to Government, Public Law and Order Department, the fourth respondent shall take up the matter in right earnest and conclude the investigation within a period of five months thereafter and file the final report.

5.With this direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CO)

// 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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The Secretary to Government,
Ministry of Home Affairs,
Chennai.

2.The Director General of Police,
Police Headquarters,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600004.

3.The Additional Director General of Police,
CBCID Police Department,
CBCID Police Head Quarters,
Guindy,
Chennai-600004.

4.The Deputy Superintendent of Police,
CBCID (OCIU) Police Department,
Vasanth Nagar, Perumalpuram
Tirunelveli District.

5.The Secretary to Government,
Public Law and Order Department,
Chennai.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P (MD) No.17477 of 2021
11.11.2021

MGJ/NS (25.11.2021) 3P 7C