



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 01.04.2021

DATE ON WHICH PRONOUNCED : 09.04.2021

WEB COPY

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.12262 of 2017

V.Visalakshi

... Petitioner/Defacto complainant

Vs.

1.The Superintendent of Police,
Trichy District,
Trichy.

2.The Inspector of Police,
Thiruverambur Police Station,
Trichy.

(Crime No.612 of 2015)

... Respondents/Complainant

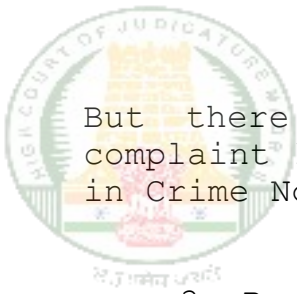
Prayer:Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first Respondent to change the investigation in Crime No.612 of 2015 on the file of the second Respondent to some other Investigation Agency.

For Petitioner : Mr.C.Vakeeswaran
For Respondents : Mr.M.Ganesan,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the first Respondent to change the investigation in Crime No.612 of 2015 on the file of the second Respondent to some other Investigation Agency.

2. The petitioner is the defacto complainant. She lodged a complaint with the Second respondent on 09.09.2015 alleging that on 31.03.2015 during the night, the daughter of the petitioner handed over 17 Sovereigns of gold Jewels to the petitioner for keeping the same in the bureau. She also put those jewels inside the bureau. On 01.09.2015 at about 1.00 p.m She was arranging the Jewels, which belongs to the daughter as well as of her weighing 15 sovereigns of gold jewels due to Sugar disease fell asleep in the place itself. She woke up and saw and found that the jewels were stolen by somebody. She made a search as well as enquired with the neighbours.



But there was no clue. Making these allegations, she made a complaint before the second respondent and the same was registered in Crime No.612 of 2015 under Section 379 IPC.

3. Based upon the complaint given by the petitioner, the Second respondent Undertook investigation and recorded the statement of several persons. During the pendency of the investigation, this petition is filed, seeking transfer of investigation from the second respondent to some other officer on the ground that no proper investigation has been conducted by the second respondent in spite of lapse of several years. She made a specific allegation in the complaint that the suspected one Meena. But that meena was not examined or enquired by the second respondent. On 11.01.2015, the petitioner was called by the Additional Superintendent of Police and at that time, she was informed that they have formed a new team to enquire into the complaint. But, so far, there was no progress in the investigation and no proper investigation and so, the petitioner preferred this petition.

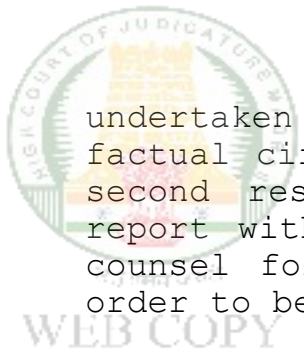
4. Heard both sides.

5. The specific grievance of the petitioner is that even though she has mentioned one Meena as a suspect, which fact is also mentioned in CSR.No.518 of 2015, she was not shown as an accused person in the First Information Report and no steps were also taken by the second respondent to make arrest. So, she entertains a doubt that the second respondent is colluding with the said Meena and trying to coverup the investigation to save the said Person.

6. From the Arguments advanced on either side it came to the notice of this court that no progress has been made in the investigation after 2017. So, the Investigating Officer was directed to be present before this court in person on 05.03.2021, by the order dated 24.02.2021. On that date, new Investigating Officer was present before the Court. He informed the court that he has assumed the office of the second respondent only recently and he has gone through the records and will complete the investigation and file the final report in a short time. On the ground, the case was adjourned.

7. Moreover, for the purpose of ascertaining and knowing the stage of the investigation, I called for the entire Case Diary File from the second respondent. Perusal of the same has shown that a number of witnesses have been examined and fingerprints of the suspected person were also taken. Moreover, suspect one Meena was also examined by the Investigating officer they also prepared sketch and Observation Mahazar.

8. So, in such circumstances, I am of the considered view that no useful purpose is going to be served at the length of this time investigation to some other police officer. As



undertaken by the new officer I am the considered view that in the factual circumstances of the case a direction may be issued to the second respondent to complete investigation and file the final report within a timeframe to be prescribed by this court. Learned counsel for the petitioner also agreed for such an option and an order to be passed by this court.

9. Taking into account all these facts, this petition is disposed of with the following directions, the second respondent is directed to complete the investigation within three months months from the date of receipt of a copy of this order and file the final report before the concerned judicial magistrate within the time. It is also made clear that no extension of time on any ground will be entertained by this court.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

dss

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,
Trichy District, Trichy.

2.The Inspector of Police,
Thiruverambur Police Station, Trichy.

Copy to

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

+1 CC to M/s.C.VAKEESWARAN, Advocate (SR-15707[F] dated
09/04/2021)

CrI.O.P. (MD)No.12262 of 2017
09.4.2021

SRK(CO)

TR(21.05.2021) 3P 5C