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CrI.O.P No.7233 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P No.7233 of 2021

and

CrI.M.P No.4824 of 2021

1.Murugesan

2.Panneerselvam

... Petitioners

Vs.

1.State Rep. by

The Inspector of Police,

Villupuram Taluk Police Station

Villupuram District-605 602

2.William Partig

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records pertaining to Crime No.754 of 2019 on the file of the 1st respondent Police and quash the same.

For Petitioner : Mr.C.Prabhu

For Respondents : Mr.A.Damodaran for R1
Additional Public Prosecutor



ORDER

WEB COPY This Criminal Original Petition has been filed, seeking to call for the records pertaining to Crime No.754 of 2019 pending on the file of the 1st respondent Police and quash the same as illegal.

2. Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the 1st respondent.

3. The case of the prosecution is that the petitioners are involved in break opening the house of the 2nd respondent / de-facto complainant and stealing the cash of Rs.11,00,000/- and 15 sovereigns of gold chains. On the complaint given by the 2nd respondent/de-facto complainant in this regard, a case has been registered in Crime No.754 of 2019 for the offences under Sections 457 and 380 of IPC.

4. The learned counsel for the petitioners submitted that every time, the accused have been implicated in similar kind of cases and thereafter, the 1st respondent police would keep quiet without any further action.



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5. The records would show that the accused have got similar such cases against them. The learned Additional Public Prosecutor also submitted that they are habitual offenders. The learned counsel for the petitioners submitted that the petitioners/accused belonged to Kuravar community. The 1st respondent police suspects that the people of that particular community usually involve in the offence of stealing. The records would show that the FIR has been registered as early as on 05.09.2019. The prosecution revealed that there are totally five accused involved in this case and the petitioners along with other accused had joined together to break open the doors of the 2nd respondent on the date of occurrence and stole the cash and jewels as stated already. The anticipatory bail petition filed by the petitioners was also dismissed on 09.03.2021. Thereafter, the petitioners did not make themselves available for proper interrogation.

6. The learned Additional Public Prosecutor submitted that the accused are still absconding.

7. Since the accused have filed a petition for anticipatory bail by



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making themselves available to give instructions to their counsel, the 1st respondent ought to have taken effective steps to arrest the accused. Had the police was serious in this case, steps would have been taken to arrest the accused shortly after the anticipatory bail petition was dismissed. There is no point in keeping this petition pending without any progress and without arresting the accused. The learned counsel for the petitioners submitted that it is the usual pattern in which the 1st respondent police keeps the case pending, by wrongly roping the accused. So, I feel it is appropriate to dispose of the petition by giving direction to the 1st respondent police to complete the investigation and file a charge sheet within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, this Criminal Original Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed.

17.10.2022

Index : Yes/No
Speaking Order : Yes / No

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1. The Inspector of Police,
Villupuram Taluk Police Station
Villupuram District-605 602

2. The Public Prosecutor
High Court of Madras.



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R.N.MANJULA, J.,

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and
Crl.M.P No.4824 of 2021**

17.10.2022