



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2022

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.11081 of 2011 &

Cr1.OP (MD)No.12648 of 2012

and

M.P. (MD)Nos.1 of 2013 & 1 of 2014

WEB COPY

WP (MD)No.11081/2011:-

M.K.Lakshumikumar

: Petitioner

Vs.

1.The Inspector General of Police,
CBCID Police Department,
Government Estate,
Anna Salai, Chennai - 600 002.

2.The Deputy Inspector General of Police,
Ramanathapuram.

3.The Collector,
Sivagangai District, Sivagangai.

4.The Superintendent of Police,
Sivagangai District,
Sivagangai.

: Respondents

[R.4 impleaded vide order dated 23.04.2014]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents 1 & 2 to furnish the report of the Inspector contained in the communication C2/92/002414/97 dated 04.06.1997, the communication and its connected papers expeditiously to the petitioner.

For Petitioner :No representation

For Respondents :Mr.A.Baskaran,
Additional Government Pleader

Cr1.OP (MD)No.12648/2012:-

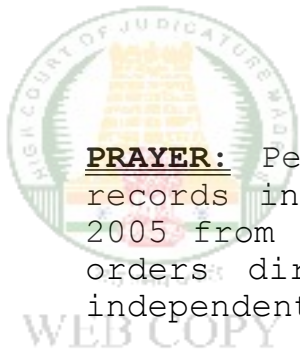
M.K.Lakshumikumar

: Petitioner/Petitioner

Vs.

State rep. by
The Inspector of Police,
Madagupatti Police Station,
Sivagangai.

: Respondent/Respondent



PRAYER: Petition filed under Section 482 Cr.P.C. to call for the records in CrI.M.P.No.2933 of 2011 arising out of F.I.R. No.86 of 2005 from the file of Judicial Magistrate No.I, Sivagangai and pass orders directing the further investigation of the case by any independent agency like CBI other than the respondent police.

For Petitioner :No representation

For Respondent :Mr.A.Baskaran,
Additional Government Pleader

C O M M O N O R D E R

The writ petition is filed for a direction to the respondents to furnish the report of the Inspector contained in the Communication in C2/92/002414/97, dated 04.06.1997.

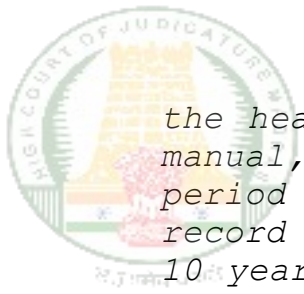
2.The criminal original petition is filed for a direction to call for the records in CrI.M.P.No.2933 of 2011 arising out of the case in Crime No.86 of 2005 and to conduct the further investigation by any independent agency.

3.When the writ petition was taken up for hearing in the year 2012, the Inspector of Police, CB CID, Sivagangai, has filed an affidavit stating that the report sought for by the petitioner has already been destroyed. Therefore, this Court, by order dated 20.02.2012, directed the Deputy Inspector General of Police, Ramanathapuram, to file an affidavit as to whether the report filed by the Inspector General of Police, CB CID, on 04.06.1997, which contains the report filed by the Inspector of Police, CB CID, on 10.02.1997, has already been destroyed.

4.Pursuant to the orders of this Court, the Deputy Inspector General of Police, has filed an affidavit on 21.01.2013, as follows:-

"3.It is submitted that the copy of the enquiry report filed by the Inspector in communication No.C2/92/002414/97, dated 04.06.1997 is not available in my office. I had enquired in the office of the 1st respondent / Inspector General of Police, CB CID, and came to know that the report was entered in the personal register of C2 seat and entered as Serial No.92 in volume No.1/97 and it reveals that the report sought by the petitioner has been treated as LD (Lodged Disposal) on 07.07.1997 in the office of the 1st respondent. It is seen from the records that the report sought by the petitioner has been disposed on 07.07.1998.

4. It is submitted that the District office manual under
<https://hcservices.ecourts.gov.in/hcservices/>



the head XIII relates to destruction of records. As per the manual, the records must be destroyed after the prescribed period for records as per the Board Standing Order. Every record should be kept for clear period of 1 year, 2 years, 10 years, etc. So, the lodged papers were destroyed after 1 year. The petitioner had given the complaint on 30.12.1996 and the complaint was closed as mistake of fact. Therefore, after 1 year of the complaint, the complaint and other papers were destroyed. A complaint was registered on the basis of the petitioner complaint and case was registered in Crime No.86/2005 on 14.06.2005 through court direction passed by the Hon'ble Judicial Magistrate No.1, Sivagangai, dated 19.01.2005. The petitioner's complaint dated 30.12.1996 came into existence on 14.06.2005 after a period of 9 years. Therefore, the report given by the Inspector dated 04.06.1997 were destroyed. As on today, the report and the other documents as sought by the petitioner is not available in my office.

5.It is submitted that the records relating to petitioner's case were destroyed. Therefore the respondents are unable to produce the report dated 04.06.1997."

5.When the matter is taken up for hearing today, there is no representation on behalf of the petitioner.

6.Learned Additional Government Pleader, on instructions, submitted that the petitioner is no more and has also produced a copy of the death certificate dated 15.02.2019, that the petitioner died on 31.01.2019.

7.In view of the aforesaid development and considering the affidavit filed by the Deputy Inspector General of Police, dated 21.01.2013, this Court is of the view that as no further order is required to be passed in these petitions. Accordingly, both these petitions are closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Protocol)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

gk



To

- 1.The Inspector General of Police,
CBCID Police Department,
Government Estate,
Anna Salai,
Chennai - 600 002.
- 2.The Deputy Inspector General of Police,
Ramanathapuram.
- 3.The Collector,
Sivagangai District,
Sivagangai.
- 4.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 5.The Inspector of Police,
Madagupatti Police Station,
Sivagangai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.SPL.GP. (SR-18839[F] dated 13/04/2022)

W.P(MD)No.11081 of 2011 &
Cr1.OP(MD)No.12648 of 2012
12.04.2022

_RD(02.05.2022) 4P 8C