



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1923 of 2022

A.R.Sachithananth ... Petitioner(Complainant)
Vs.

1.The Commissioner of Police,
Madurai City,
Alagar Kovil Road,
Madurai.

2.The Inspector of Police,
Thallakulam Police Station,
Madurai.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register a case in respect of the receipt issued by him No.484 of 2021 in respect of the complaint given by the petitioner dated 25.06.2021 against S.Ramesh S/o. Dr.N.Sethuraman and the deceased Dr.Rajam Sethuraman regarding the offence of theft of Gold and Diamond Jewellery, precious ornaments and diaries from the house of the deceased Dr.Rajam Sethuraman at Door No.256/1, Thirugnana Sambandhar Thirumaligai, Vaigai 2nd Street, Iyer Bungalow, Sri Nagar, Madurai-625 014 under Section 380 IPC.

For Petitioner : Mr.K.Subramanian
Senior Counsel
for Mr.P.Saravanan

For Respondents : Mr.M.Sakthi Kumar
Govt. Advocate (Crl. Side)

O R D E R

Heard the learned Senior Counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

2.The petitioner had lodged a theft complaint against the persons named in the petition before the second respondent.

3.The learned Government Advocate (Crl. side) initially raised an objection that the place, where the occurrence is said to have taken place is the home of the proposed accused.



4.The learned Senior Counsel would rebut the said statement by pointing out that partition had taken place in the family and that the scene of occurrence is not the home of the accused but the accused's mother's home. He would further contend that the theft has taken place in the dwelling house and that it has been captured in CCTV also.

5.I consciously refrain from going into the factual aspects. I make it clear that the second respondent cannot kept the complaint pending on his file. The second respondent is directed to conclude the enquiry into the petitioner's complaint on merits and in accordance with law within a period of two weeks from the date of receipt of a copy of this order. At the end of the enquiry, if the second respondent comes to the conclusion that cognizable offences are made out, FIR shall be registered and action shall be taken in accordance with law. If the second respondent comes to the conclusion that no case is made out, then the petitioner shall be served with a copy of the closure report. So that the petitioner can take recourse to the remedies available under law. Either the petitioner can move this Court again for relief or the petitioner can go to the Jurisdictional Magistrate. The choice is left to the petitioner.

6.With this direction to the second respondent and with the aforesaid liberty to the petitioner, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

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,
Madurai City,
Alagar Kovil Road,
Madurai.

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



2.The Inspector of Police,
Thallakulam Police Station,
Madurai.

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

+1 CC to M/s.P.SARAVANAN, Advocate (SR-3589[F] dated 02/02/2022)

Crl.O.P(MD)No.1923 of 2022
02.02.2022

MGJ(07.02.2022) 3P 5C