



CRL.O.P (MD) No.14428 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.08.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.14428 of 2022

Patturajakani

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.

3.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.

4.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.

5.The Inspector of Police,
CBCID,
Tirunelveli District,
Tirunelveli.

...Respondents



CRL.O.P (MD) No.14428 of 2022

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents to transfer the investigation of Crime No.230 of 2020 from the file of the third respondent to the file of the 5th respondent.

For Petitioner : Mr.V.Angusamy
Advocate.
For Respondents : Mr.R.Sureshkumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the respondents to transfer the investigation of Crime No.230 of 2020 from the file of the third respondent to the file of the 5th respondent.

2.The learned counsel appearing for the petitioner submitted that the petitioner gave a complaint before the respondent police stating that on 16.06.2020 at about 08.00 a.m some people had set on fire to the petitioner's house and thereby, damaged the whole properties. Based on that complaint, a case has been registered in Crime No.230 of 2020. The third respondent police has not enquired the complaint and closed the same as 'un-detected'.



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3.A perusal of records reveals the fact that the petitioner's husband and her sons were involved in a murder case registered in Crime No.138 of 2020 on 09.05.2020. Therefore, the petitioner left the house and lived at another place. In such circumstances, she found that her house was set on fire on 16.06.2020 by some people. Hence, she gave a complaint. Since the respondent police did not take any action, the petitioner has filed a petition in Crl.O.P.(MD)No.14064 of 2021 to expedite the investigation in Crime No.230 of 2020 and to file a final report. This Court, by order dated 22.09.2021, directed the respondent police to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of that order.

4. Since the respondent police not complied with the said order, the petitioner has filed a contempt petition in Cont.P(MD)No.384 of 2022. On 16.03.2022, when the matter was taken up for hearing, the respondent police submitted that the case has been closed as 'un-detected' and sought further time for extension of time for completing the investigation. Hence, this Court directed the respondent police to file a petition an application seeking extension of time and closed the contempt petition on 16.03.2022.



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Thereafter, the respondent police have not conducted any investigation and had not examined the complainant. Under these circumstances, the petitioner now seeks transfer of investigation from the file of the third respondent to the file of the 5th respondent.

4. In view of the above, the first respondent is directed to take action against the third respondent for his intentional dereliction of duty in discharge of his function as police. Further, the first respondent is directed to appoint some other Inspector of Police to conduct investigation in this case within a period of two weeks from the date of receipt of a copy of this order and file a report about the action taken against the third respondent.

5. Post the matter on 09.09.2022 "for reporting compliance".

11.08.2022

Internet: Yes./No
Index: Yes/no
vsd



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To

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Tirunelveli.
- 2.The Deputy Superintendent of Police,
Nanguneri,
Tirunelveli District.
- 3.The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
- 4.The Inspector of Police,
Thisaiyanvilai Police Station,
Tirunelveli District.
- 5.The Inspector of Police,
CBCID,
Tirunelveli District,
Tirunelveli.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

vsd

ORDER IN
CRL.O.P (MD) No.14428 of 2022

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