WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.10.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.16118 of 2022

K.Mariyammal ... Petitioner

Vs

1. State through,
   The Inspector of Police,
   Thirupalaikudi Police Station,
   Ramanathapuram District.

2. Superintendent of Police,
   Ramanathapurm District. ... Respondents

(suo motu impleaded as a second respondent by this Court on 11.10.2022).

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondent to file the final report before Judicial Magistrate Court, Thiruvadanai Ramanathapuram District in Crime No.158 of 2022 on the file of the respondent (i.e.,) the Inspector of Police, Thirupalaikudi Police Station, Ramanathapuram District, on his file forthwith and within the time stipulated by this Court.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner : Mr.K.Ramanathan
For Respondent : Mr.R.Suresh Kumar
Government Advocate

O R D E R

When the case came up for hearing yesterday (i.e) 10.10.2022, the learned Government Advocate(Crl.side) was unable to give the facts relating to the investigation. Therefore, this case was adjourned to today (i.e) 11.10.2022 with a direction to the Respondent police to appear before this Court along with CD file.

2. The learned Counsel for the Petitioner submitted his submission yesterday (i.e) on 10.10.2022 and only for hearing of the learned Government Advocate (Crl.side), the case is posted today.

3. Today, when the case is came up for hearing, the learned Government Advocate(Crl.Side) furnished CD file.

4. On perusal of CD file, it is found that the Petitioner herein had given a complaint, wherein it was clearly stated that she had allowed her relatives, namely, Kalliammal and her son namely Ramesh to reside her

https://www.mhc.tn.gov.in/judis

WEB COPY

house and thereafter she left her house and lived with her daughter. She had returned to her native place with regard to temple festival and she wanted to clean the house, at that time she observed that the bronze vessels, Kappar Vessels and Silvar articles, which had kept in Kanny bags and the same were missing. Thereafter, she asked the permissive occupier, who are the relative, on enquiry by the Petitioner herein, they are abused her in filthy language. The Petitioner feeling insecured and she sought help of her relatives to hold the enquiry, at that time also they were abused the Petitioner in filthy language and also threatened her.

5. After the above said incident, the Petitioner gave a complaint before the Respondent police and the same was registered in the month of July in Crime No.158 of 2022 for the offences punishable under Sections 380, 294(b) and 506(i) of IPC. Since the Respondent police has not proceeded further investigation, the Petitioner approached this Court for direction directing the respondent to file a final report in Crime No.158 of 2022.

https://www.mhc.tn.gov.in/judis

WEB COPY

6. On perusal of CD file, it was also found that the complaint has been made against the permissive occupiers, who were suspected the theft of immovable properties. The Respondent police was not at all arrested them or questioned them, it shows that the indifferent attitude and against law full Act of the police officer, who are expected to act promptly based on the suspicious expressed by the complainant. Only on filing of this petition, so called accused, who are the permissive occupiers had moved anticipatory bail petition before the Sessions Judge.

7.Considering the conduct and attitude of the respondent, the Superintendent of Police, Ramanathapurm Distarict, is *suo motu* impleaded by this Court as a second respondent in this matter.

8. Considering the facts and the circumstances of this case, this court directs the first respondent/the Inspector of Police to complete the investigation and file a Final Report in Crime No.158 of 2022, within a period of one month from the date of receipt of a copy of this order, under the direct supervision of the second respondent/Superintendent of Police herein.

https://www.mhc.tn.gov.in/judis

WEB COPY

With the above directions, this Criminal Original Petition is disposed of.

11.10.2022

Index:Yes/no
tta

To

1.The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.

2. Superintendent of Police,
Ramanathapurm District.

https://www.mhc.tn.gov.in/judis

WEB COPY

SATHI KUMAR SUKUMARA KURUP, J.

tta

CRL.O.P(MD)No.16118 of 2022

11.10.2022

https://www.mhc.tn.gov.in/judis