

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.16340 of 2022

Ialiyazhwar

...Petitioner

vs

The Inspector of Police
District Crime Branch,
Thoothukudi District.
In Crime No.26 of 2022

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondent police to expedite the investigation in Crime No.26 of 2022 dated 17.06.2022 and to file the final report within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.M.Suresh

For Respondent : Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to expedite the investigation in Crime No.26 of 2022 dated 17.06.2022 and file the final report.

2.The learned Counsel for the Petitioner submits that the Petitioner had preferred a complaint, for which the Police did not initiate action. Therefore, he was forced to file Cr.M.P.No.3323 of 2022 under Section 156 Cr.P.C., before the learned Judicial Magistrate No.IV, Thoothukudi. Based on the direction of the learned Judicial Magistrate No.IV, Thoothukudi, the FIR in Crime No.26 of 2022 was registered by the Respondent.

3.It is the submission of the learned Counsel for the Petitioner that the Respondent had not taken earnest steps in completing the investigation and in filing the final report, forcing the Court to grant bail to the accused after 60 days. He would further submit that the accused had cheated the Petitioner to the tune of Rs.42,00,000/-.

4.By way of reply, the learned Government Advocate (Crl.side) for the Respondent submits that since the allegation in this case involved the properties, the details regarding the ownership of the property and the details regarding the legal heirs of the original owner, the Investigation Officer had addressed the Tahsildar seeking details of the legal heirs of the deceased owner of the property.

5.It is the submission of the learned Counsel for the Petitioner that the 3rd accused had obtained bail from the learned District and Sessions Judge, Thoothukudi. Subsequently, the Petitioner, who is the complainant, had moved a Petition before this Court for cancelling the bail granted to the 3rd accused and after hearing the parties, it is reserved for orders. To clarify the stage of the investigation, this Court had sought CD file from the learned Government Advocate (Crl.side).

6.On perusal of the CD file, it is found that except the statement recorded under Section 161 Cr.P.C. of the defacto complainant, further witnesses had not been examined so far. The apprehension expressed by the Petitioner is found justified from the conduct of the Investigation Officer.

By not proceeding fairly in the right direction, the Investigation Officer is colluding with the accused in seeking bail after lapse of 60 days.

7.It is the further submission of the Petitioner that at the earliest stage, when he lodged the complaint, the police refused to register the case. Only after the Petitioner moved the Court of the learned Judicial Magistrate by filing a petition under Section 164 Cr.P.C., and based on the direction of the learned Judicial Magistrate No.IV, Thoothukudi, the FIR had been registered. Even after the registration of the FIR, the Police are acting indifferent and showing lethargic attitude. The conduct of the Investigation Officer in this case is found to be lackadaisical warranting interference about the conduct of the Investigation Officer.

8.The Superintendent of Police, Thoothukudi is directed to nominate a Competent Officer considering the volume of the money involved in this case ie., Rs.42,00,000/-. It lacks supervision also from the higher Official. Therefore, the investigation file is to be withdrawn from the present Investigation Officer, who had due to his lackadaisical attitude made the accused to get bail from the Court concerned without filing charge sheet

within the stipulated time as per the Code of Criminal Procedure. The Superintendent of Police, Thoothukudi, who is incharge of the investigation in this case, is also directed to supervise the investigation and ensure that the accused, who were named by the Petitioner, is proceeded and the investigation comes to its logical conclusion within the stipulated time as early as possible. A copy of this order is to be furnished to the Inspector General of Police, South Zone, Madurai for effective monitoring of the investigation.

9. With the aforesaid direction, this Petition stands disposed of.

Internet: Yes./No
Index: Yes/No
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15.09.2022

To

1. The Inspector of Police
District Crime Branch,
Thoothukudi District.

2. The Superintendent of Police,
Thoothukudi District.

SATHI KUMAR SUKUMARA KURUP, J.

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3. Inspector General of Police,
South Zone,
Madurai.

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

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