



Crl.O.P.(MD) No.16801 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.10.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.16801 of 2022

Mani @ Muthaiah

...Petitioner

-VS-

1. The Superintendent of Police,
Madurai District (Rural)
(suo motu impleaded vide order
dated 10.10.2022)

2. The Inspector of Police
Sholavandan Police Station
Madurai District

...Respondents

(R1 is *suo motu* impleaded vide order of this Court, dated 10.10.2022 and the original respondents are re-arranged accordingly)

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the Respondent to expedite the investigation in Crime No. 428 of 2021 dated 30.12.2021 and to file the final report within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.S.Arokiya Selva Ramesh

For Respondent : Mr.R.Suresh Kumar
Government Advocate(Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to direct the Respondent to expedite the investigation in Crime No.428 of 2021 dated 30.12.2021 and to file the final report within a stipulated time as may be fixed by this Court.

2. The Petitioner is the defacto complainant. Based on the complaint given by the Petitioner, First Information Report in Crime No. 428 of 2021 was registered by the respondent police for the offences under Sections 147, 294(b), 323, 506(ii) of IPC. The alleged occurrence took place on 05.10.2021 and the First Information Report came to be registered on 30.12.2021.

3. Investigating Officer present before this Court and through the learned Government Advocate(Crl.side) CD file was sought by this Court. On perusal of the CD file, it is found that 161(3) Cr.P.C statement of defacto complainant and the two other witnesses who are the observation mahazar witnesses alone have been recorded. Considering the pace of the



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investigation it is found that the investigation officer is not at all interested in conducting the investigation, arrive at a logical end, thereby facilitating to quash the First Information Report by the accused persons. The attitude of the investigating officer gives presumption to this Court that he is hand in glove with the accused and not helping the citizen of this Country who had approached him with the complaint. If the complaint is found bogus he is well within his right to file closure report, but he has not done so.

4. The Superintendent of Police, Madurai District (Rural) is *suo motu* impleaded as necessary party in this petition.

5. The Superintendent of Police, Madurai District (Rural) is directed to look into the case and also initiate disciplinary proceedings against the investigating officer for the laxity in conducting investigation and filing final report for the alleged offence within the specified time as per Section 468 of Cr.P.C. If there is any laches on the part of the investigating officer, the Superintendent of Police, Madurai District (Rural) is well within his discretion to initiate appropriate disciplinary proceedings as against the investigating officer



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6. With the above direction, the Criminal Original Petition stands disposed of.

10.10.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Superintendent of Police, Madurai District (Rural)
2. The Inspector of Police
Sholavandan Police Station
Madurai District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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