



Crl.O.P.(MD)No.17003 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 17.11.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

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...Petitioner / Defacto Complainant

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Elumalai Police Station,
Madurai District.

(Crime No.126 of 2022)

...Respondents / Complainants

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Respondent No.2 to conduct further investigation and to restrain the Accused No.3 from evading the investigation process in connection with Crime No.126 of 2022 on the file of the 2nd Respondent by considering the Petitioner's representation dated 14.09.2022.

For Petitioner : Mr. Haroon Rasheed.D.S

For Respondents : Mr. T.Senthil Kumar
Additional Public Prosecutor



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ORDER

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This Criminal Original Petition had been filed to direct the Respondent No.2 to conduct further investigation and to restrain the Accused No.3 from evading the investigation process in connection with Crime No.126 of 2022 on the file of the 2nd Respondent by considering the Petitioner's representation dated 14.09.2022.

2.When the matter came up for hearing, the learned Counsel for the Petitioner submits that the Petitioner is the Defacto Complainant. For the occurrence alleged to have taken place, the Petitioner had given a complaint to the second Respondent, at that time of occurrence, he had identified two persons, one person by name Ramesh and another person had identified by the identification marks. Subsequently, on enquiry, the name of the person who has identified by the identification marks came to know that Kasimayan, S/o. Ravi and he had furnished the details along with the video footage with the second Respondent. In spite of the same, the second Respondent had not taken any steps to arrest him. The Petitioner had provided the information about the person who is attacked him. Therefore, the Petitioner had approached this Court seeking direction to the Investigation Officer / second Respondent to consider his representation.



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3. The learned Additional Public Prosecutor appearing for the Respondents 1 and 2 submitted that the second Respondent had deleted the name of the person whose name is given as unknown at the time of complaint.

4. The conduct of the second Respondent is found unacceptable and not fair. Particularly, when the Defacto Complainant had approached this Court with the specific details, the Superintendent of Police, Madurai District, is directed to hold the enquiry regarding the allegations levelled against the second Respondent and also he shall peruse the CD file and he is directed to nominate a senior Police Officer, not below the rank of the Deputy Superintendent of Police to supervise the investigation conducted by the Inspector of Police, Elumalai Police Station, Madurai District.

5. Investigation in Crime No.126 of 2022 on the file of the Inspector of Police, Elumalai, may be withdrawn and handed over to the officer, who is nominated by the Superintendent of Police, Madurai District, shall be fair and impartial to complete the investigation within three months.



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

17.11.2022

Index : Yes/No

Internet: Yes/No

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To

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Office of the Superintendent of Police,
Madurai District.
2. The Inspector of Police,
Elumalai 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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