



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.01.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.22205 of 2021

B.K.Chandrasekaran

... Petitioner/Defacto Complainant

Vs.

1.The Inspector of Police,
Crime Branch,
Avaniyapuram Police Station,
Avaniyapuram,
Madurai - 625 012.

2.The Superintendent of Police,
Madurai District,
Surveyor Colony,
Madurai - 625 007.

3.The Commissioner of Police,
Alagar Koyil Main Road,
Madurai - 625 007.

4.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai - 600 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed in R.C.No.1795 of 2013 and R.C.C.No.810 of 2017 and the connected records under the Crime No.111 of 2020 which is on the file of the learned Judicial Magistrate Court No.VI, Madurai on the file of the respondent No.1 and to direct the 4th respondent to conduct a fresh investigation to resolve the intricacies behind the petitioner's case.

For Petitioner : Mr.Thiruppathi Chellasamy

For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.



ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

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2.The petitioner is the defacto complainant in Crime No.111 of 2010 registered on the file of Avaniyapuram Police Station. The petitioner's house was broken into and valuable jewellery and cash were stolen. The total value comes to Rs.2,86,000/-. The occurrence had taken place on 12.02.2010. It was reported on 14.02.2010. The grievance of the petitioner is that without conducting proper investigation, his case was sought to be closed as undetected. He would further contend that even the RCS notice was not served on him.

3.When notice was ordered to the respondents, the Deputy Commissioner of Police (South Madurai City) filed status report fairly admitting that the mandate of law was not followed in the matter of causing service of RCS notice to the petitioner.

4.Taking note of the submissions made by the learned counsel for the petitioner, I set aside not only the impugned proceedings but I also direct that investigation should be conducted afresh in Crime No.111 of 2010. The petitioner is directed to appear before the Assistant Commissioner of Police, Avaniyapuram on 12.01.2022 at 11.00 am. The petitioner can place all the materials in his possession before the said officer. The Assistant Commissioner of Police, Avaniyapuram is directed to personally monitor the investigation in this case.

5.The writ petition is allowed on these terms. No costs.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

- 1.The Judicial Magistrate No.VI,
Madurai.
- 2.The Inspector of Police,
Crime Branch,
Avaniyapuram Police Station,
Avaniyapuram,
Madurai - 625 012.
- 3.The Superintendent of Police,
Madurai District,
Surveyor Colony,
Madurai - 625 007.
- 4.The Commissioner of Police,
Alagar Koyil Main Road,
Madurai - 625 007.
- 5.The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore,
Chennai - 600 004.
- 6.The Assistant Commissioner of Police,
Avaniyapuram,
Madurai.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) No.22205 of 2021
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MGJ(04.02.2022) 3P 8C