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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P(MD).No.18595 of 2022

R.Gunasekaran,

: Petitioner

Vs

1. The State represented by
The Superintendent of Police,
Pudhukottai District, Pudhukottai

2. The Inspector of Police,
Ganesh Nagar Police Station,
Pudhukottai District.
(Crime No.246/2022).

: Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second Respondent to expedite the investigation and to file the final report in Crime No.246/2022, on the file of the Inspector of Police, Ganesh Nagar Police Station, Pudhukottai District, within the Stipulated period as fixed by this Court.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor

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O R D E R

This criminal original petition had been filed seeking a direction to the second Respondent to expedite the investigation and to file the final report in Crime No.246/2022, on the file of the Inspector of Police, Ganesh Nagar Police Station, Pudhukottai District.

2.When the case came up for hearing on 19.10.2022, the submission of the learned Counsel appearing for the Petitioner regarding the slackness in the investigation was recorded. At that time, the learned Additional Public Prosecutor also made his submission stating that the Prosecution is awaiting Forensic Report. The submission of the learned Counsel appearing for the Petitioner was that the husband of the deceased, after the death of the deceased, had left India. The Investigation Officer had not taken any steps to secure him, was also recorded.

3.Today i.e., on 21.11.2022, when the case came up for hearing, the learned Additional Public Prosecutor submits that the investigation is in progress .Earlier, the FIR in Crime NO.246 of 2022 was registered for the offence under Section 174 Cr.P.C., Subsequently, the same was altered as Section 306 IPC and investigation is proceeding against the husband of the

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deceased as well as brother. Also it is stated that the husband of the deceased is abroad. Therefore, they are unable to secure him.

4.The said submission of the prosecution cannot at all be accepted when the needle of suspicion as per the Petitioner is against the son-in-law of the Petitioner. Therefore, the Investigation Officer is directed to initiate steps to secure the accused wherever he is. Without getting a passport, as a citizen of India, he/she cannot leave the country. Passport verification is always done through the respective Superintendent of Police. Therefore, the details of the accused are available with the Superintendent of Police, Pudhukottai. The Superintendent of Police, Pudhukottai, is directed to secure the accused through the Indian High Commission Abroad, including issuing of look out notice against the Accused, failing which, the Petitioner is at liberty to approach this Court for appropriate orders. Also, the Superintendent of Police, Pudhukottai, is directed to nominate a Senior Officer not below the rank of Deputy Superintendent of Police to supervise the investigation.

5.If the investigation conducted by the Inspector of Police/second Respondent is found not fair and impartial, on assessment by the Superintendent of Police, Pudhukottai, he/she shall withdraw the investigation

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from him and tranfer the same to some other senior officer.

6.With the above directions, this criminal original petition is disposed of.

21.11.2022

Index :Yes/No
Internet : Yes/No
lr

To
1.The Superintendent of Police,
Pudhukottai District, Pudhukottai

2. The Inspector of Police,
Ganesh Nagar Police Station,
Pudhukottai District.

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

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SATHI KUMAR SUKUMARA KURUP, J.

lr

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