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Crl.O.P.No.24171 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24171 of 2023

S.Sridhar

... Petitioner

Vs.

State Represented by its
The Inspector of Police
E-5, Foreshore Estate Police Station
Chennai

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to transfer the investigation agency in Crime No.162 of 2018 on the file of the respondent police to the file of some other impartial investigation agency and to proceed and complete the necessary action and to file a final report for the same.

For Petitioner : Ms.A.Loganayaki

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

The petitioner is the defacto complainant in Crime No.168 of 2018, on the file of the Foreshore Estate Police Station. The complaint pertains to house break and theft of 50 Sovereign of gold jewels, 1½ kgs of Silver



articles and cash of Rs.30,000/-. Till date, the police unable to deduct the crime and secure the perpetrator of the crime. Hence this Criminal Original Petition is filed with direction to transfer the investigation to the file of some other investigating agency and complete the investigation.

2. The learned Government Advocate (Crl.Side) appearing for the State submits that it is a case of house break. The accused could not be identified and after sustain investigation, complaint has been closed as undeducted and closure report dated 01.05.2021 in RCS No.12 of 2021 filed before the concerned Magistrate and same has been communicated to the defacto complainant.

3. According to the petitioner, the theft occurred on 10.04.2018 when he and his family locked their house and went to Thirupathy, on return back, they found house breaking and leading to theft. They have given written complaint to the respondent police immediately. Since there was no progress in the investigation, he filed petition before the High Court seeking direction to complete the investigation and file final report within reasonable time. This Court allowed the petition with a direction that the final report will be filed within three months from the date of receipt of a copy of the



order. The respondent police did not comply the order. Hence Contempt Petition No.320 of 2021 was filed. During hearing of the contempt petition, it was reported by the respondent police that the case is un deducted and will be reopened if any lead received regarding the theft. Without proper investigation, the police has closed the case and therefore, seeks for transfer of investigation to some other Investigation Agency.

4. Heard the learned counsels and records perused.

5. The closure report is un-deducted appears to be the sign of inefficiency of the respondent police because ever since in the complaint, the respondent police has not shown any interest to investigate the matter and only on the direction of this Court, they hurriedly filed a final report after the contempt proceedings. The Assistant Commissioner of Police, Mylapore is directed to take up the investigation entrust to any other competent police officers not below the rank of Inspector of Police and conduct the investigation and file final report within a period of three months final report.

Dr.G.JAYACHANDRAN,J.

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



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disposed of.

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Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Inspector of Police
E-5, Foreshore Estate Police Station
Chennai

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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