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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 13/06/2023

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The Hon'ble Mr.Justice **G.ILANGOVA**

Cr1.OP(MD)No.4060 of 2022

N.Chiraimettan : Petitioner/De-facto Complainant

Vs.

- 1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Kamuthi,
Ramanathapuram District.
- 3.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
(Crime No.98 of 2017)
- 4.The Deputy Superintendent of Police,
CBCID, CBCID Office,
Ramanathapuram District. : Respondents

PRAYER:-Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to withdraw the case in Crime No.98 of 2017 on the file of the respondent No.3 and entrust the same to the respondent No.4 for investigation of the case by the Competent Officer and file a final report before the jurisdictional Magistrate within the time stipulated by this court and pass any further order of orders.



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For Petitioner : Mr.R.Venkatesan
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking withdrawal of the case in Crime No.98 of 2017 on the file of the respondent No.3 and entrust the same to the respondent No.4 for investigation of the case by the Competent Officer and file a final report before the jurisdictional Magistrate, within a time frame.

2.The case of the prosecution in brief:-

The petitioner is the de-facto complainant filed a complaint, which was registered under section 392 IPC, on 22/03/2017 in Crime No.98 of 2017. Pending the above said investigation, this petition has been filed stating that the articles that were robbed are 48-1/4 sovereigns of gold ornaments and two mobile phones, but the above said gold ornaments has been wrongly calculated as 16 sovereigns. Even after a lapse of several years, so far the accused has not been fixed and articles recovered.



3.Heard both sides.

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4.The learned Additional Public Prosecutor produced the CD file, which shows that several steps have been taken by the Investigating Officer to trace the accused.

5.During the course of investigation, one Selvan has given a statement that one mobile phone was found in the forest area, and used it, later he was informed by the police that it is a stolen property. So, the above said mobile phone was handed over to the police.

6.It is seen that the above said robbery occurred in a remote and isolated house. But except, recording of the statement of the witnesses, no other effort has been taken by the Investigating Officer to trace the accused.

7.Considering the heinous nature of the offence, let the investigation be completed under the direct supervision of the Deputy Superintendent of Police, Kamuthi and the final report be filed within a period of five months from the date of receipt of a copy of this



order. I find no reason to transfer the investigation now. Even though, final report has been prepared as undetected, considering the nature of the crime, as mentioned earlier, the above said investigation must be reopened and fresh investigation must go on.

8. With the above said direction, this criminal original petition is **disposed**.

13/06/2023

Index: Yes/No
Internet: Yes/No

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Ramanathapuram District,
Ramanathapuram.
- 2.The Deputy Superintendent of Police,
Kamuthi,
Ramanathapuram District.
- 3.The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.
- 4.The Deputy Superintendent of Police,
CBCID, CBCID Office,
Ramanathapuram District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

G.ILANGOVAN, J



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