



Crl.O.P.(MD)No.2453 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.2453 of 2024

M.Harimurugan

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Madurai City,
Madurai District.

2.The Commissioner of Police,
Madurai City.

... Respondents

***(R2 is suo motu impleaded vide Court order
dated 16.02.2024 in Crl.O.P.(MD)No.2453 of 2024)***

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Respondents to expedite the investigation and file final report before the learned Judicial Magistrate No.I, Madurai, within the time stipulated as prescribed by this Court.

For Petitioner : M/S.M.Angaleshwari

For Respondents : Mr.M.Veeranthiram
Government Advocate (Crl. side)



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ORDER

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The learned Counsel for the Petitioner submitted that the Petitioner is the Defacto Complainant in Crime No.12 of 2022 on the file of the District Crime Branch, Madurai. It is the contention of the learned Counsel for the Petitioner that the Petitioner filed the present Petition seeking a direction against the Respondent to complete the investigation and file final report before the competent Court.

2.The learned Government Advocate(Crl.side) appearing for the Respondent, on instructions, submitted that in this case, A1 was arrested, A2 & A3 got anticipatory bail and A4 is still absconding.

3.To the query of this Court whether any public notice had been issued in the interest of public by giving details of A4 in any of the English Daily News Paper viz, Hindu and Indian Express, the learned Government Advocate(Crl.side) is unable to answer.

4.In view of the above, the Commissioner of Police, Madurai City is *suo motu* impleaded as necessary party in this case and he is directed to nominate a Senior Officer, in the cadre of Assistant Commissioner or Deputy Commissioner to supervise the investigation in Crime No.12 of



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2022. Further, the Commissioner of Police, Madurai City is directed to offer his/her explanation with regard to the inaction regarding absconding accused and issue proper instructions to the District Crime Branch, Madurai to trace out the absconding accused.

5.The investigation carried out till date does not inspire confidence in the Investigation Officer as no steps had been taken to trace out the absconding accused.

6.The Commissioner of Police, Madurai City, is directed to summon the Inspector of Police, District Crime Branch, Madurai with regard to investigation in Crime No.12 of 2022. Also to verify the same and find out the slackness in the investigation by the Inspector of Police, District Crime Branch, Madurai in Crime No.12 of 202 dated 26.04.2022 for the offences punishable under Sections 120, 406, 420, 468, 471, 506(1) of I.P.C. The de-facto complainant had moved this Court by filing this Criminal Original Petition seeking a direction for completing the investigation earlier. In spite of repeated adjournments, the Respondents had not appeared before this Court along with the CD file. Therefore, the Commissioner of Police, Madurai City, is directed to summon the Inspector of Police, District Crime Branch, Madurai and verify the file. If on verification, it is found that the



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investigation had not proceeded fairly and impartially, the Commissioner of Police, Madurai City, shall nominate a Senior Officer in the cadre of the Deputy Commissioner of Police or the Assistant Commissioner of Police to supervise/monitor the investigation continuously till the investigation is completed in laying the final report of the investigation before the Court concerned. If the investigation is not found proper, the Officer on the cadre of Inspector of Police shall be nominated to conduct the investigation. The investigation shall be withdrawn from the file of the Inspector of Police, District Crime Branch, Madurai District.

7. With the above said direction, this Criminal Original Petition is disposed of.

08.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
jbr

To

1. The Inspector of Police,
District Crime Branch,
Madurai City,
Madurai District.



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2.The Commissioner of Police,
Madurai City.

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



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SATHI KUMAR SUKUMARA KURUP, J.,

jbr

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