



Crl.O.P.(MD)No.3012 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 29.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.3012 of 2024

Parasakthi

... Petitioner

Vs.

1. The Superintendent of Police,
Virudhunagar.

2. The Deputy Superintendent of Police,
Rajapalayam Sub Division,
Rajapalayam.

3. The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.

(In Crime NO.136 of 2021)

... Respondents

***(R1 & R2 are suo motu impleaded vide Court
order dated 29.02.2024 in Crl.O.P.(MD)No.3012 of 2024)***

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Respondent to expedite the investigation and to file a final report in Crime No.136 of 2021 dated 24.06.2021 pending on the file of the Respondent Police.

For Petitioner : MrG.Karuppasamypandian

For Respondents : Mr.M.Veeranthiran
Government Advocate (Criminal side)



Crl.O.P.(MD)No.3012 of 2024

WEB COPY

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking a direction against the Respondent to expedite the investigation and to file a final report in Crime No.136 of 2021.

2. The learned Counsel for the Petitioner further submitted that the Petitioner is the de-facto Complainant regarding death of her daughter, namely, Gayathri under mysterious circumstances. Based on the complaint of the Petitioner, the Respondent Police had registered a case as F.I.R in Crime No.136 of 2021 for a suspicious death under Section 174 of Cr.P.C on 24.06.2021. Even though three years had passed, the Respondent had not filed a final report. Therefore, the Petitioner was forced to file this petition seeking certified copy of the F.I.R and the final report from the Court of the learned Judicial Magistrate No.II, Sirvilliputhur. The copy application filed by the Petitioner was returned with endorsement that the F.I.R itself had not been filed before the learned Judicial Magistrate No.II, Srivilliputhur.

3. The learned Government Advocate (Criminal side) on instructions from the Respondent Police submitted that the husband of the deceased was found murdered on 22.02.2021. Subsequently, the daughter of the



Crl.O.P.(MD)No.3012 of 2024

de-Complainant had committed suicide on 24.06.2021. As per the investigation conducted by the Investigation Officer in this case, it was a case of murder of the husband of the deceased by the deceased along with the accomplice one, Krishna Vignesh. Therefore, the Respondent Police had closed the investigation by dropping further action as a mistake of fact.

4. The learned Counsel for the Petitioner submitted that the Petitioner's Complaint points towards the role of the said Krishna Vignesh. The Investigation Officer had not considered the investigation in the light of the specific allegation against the said Krishna Vignesh by the Petitioner herein. The conduct of the Investigation Officer is found unacceptable and shocking. When the case had been reported by the Petitioner, as the mother of the deceased, the Investigation Officer is duty bound to produce the F.I.R original before the learned Judicial Magistrate No.II, Srivilliputhur. Even though F.I.R was registered on 24.06.2021, till the date of filing of copy application by the Petitioner seeking copies of the F.I.R and charge sheet, the learned Judicial Magistrate No.II, Srivilliputhur has endorsed that F.I.R itself has not been filed is found shocked and unacceptable.

5. The reply by the learned Government Advocate (Criminal side) does not inspire confidence in the Investigation Officer of their State.



Crl.O.P.(MD)No.3012 of 2024

Invariably in cases under Section 174 of Cr.P.C., the F.I.R has to be submitted to the Executive Magistrate concerned. But it cannot be retained by the Executive Magistrate for year together. The role of the Investigation Officer is to collect materials either to consider whether the suspicious death was murder or suicide. Based on the materials collected, the Investigation Officer shall report to the Executive Magistrate and if it is otherwise, he has to get back the F.I.R and produce it before the learned Judicial Magistrate No.II, Srivilliputhur, under whose jurisdiction the Police Station is attached. In this case, even after three years, the Investigation Officer had remained indifferent. Therefore, the submission of the learned Government Advocate (Criminal side) is that the mistake of fact also intimated to the Executive Magistrate is found unacceptable. The Investigation officer is duty to bound to inform the closure of the investigation to the de-facto complainant, who is the victim of crime.

6. Considering the above, the Superintendent of Police, Virudhunagar and the Deputy Superintendent of Police, Rajapalayam Sub Division are *suo motu* impleaded as Respondents No.1 and 2. The Respondents No.1 and 2 shall supervise the investigation. If in case, the Petitioner intends to file action dropped report before the learned Judicial Magistrate No.II, Srivilliputhur, the learned Judicial Magistrate No.II, Srivilliputhur, shall see



Crl.O.P.(MD)No.3012 of 2024

to it with the copies of the same served on the de-facto Complainant and shall hear any petitions filed by the de-facto Complainant, objecting to the closure of the investigation. The Respondents No.1 and 2 shall monitor the investigation and also shall seek explanation from the Inspector of Police, Mamsapuram Police Station for his lackadaisical attitude in not being prompt in the investigation and remaining indifferent after filing the report under Section 174 of Cr.P.C before the Executive Magistrate.

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

29.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

jbr

To

- 1.The Superintendent of Police,
Virudhunagar.
- 2.The Deputy Superintendent of Police,
Rajapalayam Sub Division,
Rajapalayam.
- 3.The Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District,
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.3012 of 2024

SATHI KUMAR SUKUMARA KURUP, J.,

jbr

Crl.O.P.(MD)No.3012 of 2024

29.02.2024