

Crl.O.P.(MD) No.3633 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.03.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P(MD)No.3633 of 2024

S.Paramasivam

...Petitioner

VS

**1.The Inspector General of Police,
South Zone, Madurai.**

**2.The Deputy Inspector General of Police,
Ramanathapuram Range, Ramanathapuram.**

**3.The Superintendent of Police,
O/o.The Superintendent of Police,
Sivagangai.**

**4.The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.**

**5.The Inspector of Police,
Karaikudi Police Station (Crime),
Sivagangai District.**

...Respondents

(R1 and R2 were *suo motu* impleaded vide order of this Court, dated 07.03.2024 and the rank of the original Respondents are re-arranged accordingly)



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the Respondents to complete the investigation and to file final report in Cr.No.43 of 2015 on the file of the third Respondent as expeditiously within time frame that may be fixed by this Court.

For Petitioner : Mr.D.Shanmugaraja Sethupathi
For Respondents : Mr.M.Veeranthiran
Government Advocate (crl.side)

ORDER

The Criminal Original Petition is filed seeking a direction to direct the Respondents to complete the investigation and to file final report in Cr.No.43 of 2015 on the file of the third Respondent as expeditiously within a time frame that may be fixed by this Court.

2.The Petitioner is the *de-facto* Complainant in Cr.No.43 of 2015 pending on the file of the Inspector of Police, Karaikudi Crime Police Station. It is the submission of the learned Counsel for the Petitioner that the Petitioner is a senior citizen. On 22.01.2015, the Petitioner and his family members left to Trichy to attend a marriage of his relative. He had requested his neighbour Nagasundaram to feed the birds maintained by him.

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On 23.01.2015, by 07.00 pm the said Nagasundaram informed the Petitioner on phone that the house of the Petitioner was broken by unknown persons.

On the same day, the Petitioner came to the residence and found out that store room and lockers were broke open and he found that 36.5 sovereigns of gold and cash of Rs.22,000/- were stolen in the house break. On 24.01.2015, the Petitioner preferred a complaint with the Karaikudi Crime Police Station. They had on the complaint registered a case. From 2015 till this date, the investigation had not proceeded.

3.The learned Government Advocate (Crl.side) on instructions submitted that there is shortage of Police personnel for the entire Station. They are unable to look after law and order as well as crime duties, due to shortage of Police Officer/men.

4.The Inspector of General of Police, South Zone, Madurai and the Deputy Inspector General of Police, Ramanathapuram Range, are *suo motu* impleaded as Respondents 1 and 2 and the ranks of the original Respondents are re-arranged accordingly.



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5.Considering the facts and circumstances of the case and also considering the submissions made on either side, the Inspector General of Police, South Zone, Madurai, is directed to enquire regarding the lapse on the part of the SHO of the Karaikudi Crime Police Station, who had not conducted impartial fair investigation with regard offence under Sections 457 and 380 of IPC, which is a serious offence warranting 14 years of imprisonment. The Inspector of Police or the Sub Inspector of Police, as the case may be, who was officiating as Investigation Officer at the relevant point of time with regard to Cr.No.43 of 2015 is to be held responsible by proceeding with departmental action for lapse for not proceeding with the investigation for this long period of time.

6.The Deputy Inspector of General of Police, Ramanathapuram Range shall nominate a senior Officer, who is well versed in impartial investigation and complete the investigation. If investigation is unable to proceed after this long year, appropriate compensation is to be ordered for having not completed the investigation in house breaking and theft within the shortest time atleast within a year. The Petitioner is to be compensated



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under the Victim Compensation Act for loss of property, as if the Investigation Officer is unable to proceed after this long period of time.

The case file has to be withdrawn from the present Inspector of Police and handed over to the competent officer and final report to be laid at the earliest preferably within a reasonable period of three months.

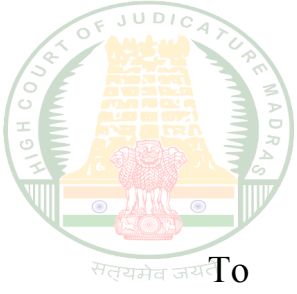
7. On the failure to complete the investigation, the Petitioner herein is entitled to compensation for the loss suffered by him as a victim of crime for the failure of the State machinery to detect the crime under the Victim Compensation Act.

In the result, the ***Criminal Original Petition*** is disposed of

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

07.03.2024

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To
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- 2.The Deputy Inspector General of Police,
Ramanathapuram Range, Ramanathapuram.
- 3.The Superintendent of Police,
O/o.The Superintendent of Police,
Sivagangai.
- 4.The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.
- 5.The Inspector of Police,
Karaikudi Police Station (Crime),
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SATHI KUMAR SUKUMARA KURUP, J.

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