



*CrI.O.P.(MD)No.4458 of 2024*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 01.08.2024

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

CrI.OP(MD)No.4458 of 2024

R.Bala

... Petitioner

Vs

1.The Inspector of Police,  
Srivaikundam Police Station,  
Tuticorin District.

2.The Superintendent of Police,  
Tuticorin

...Respondents

(R2 is suo motu impleaded as per the order of this Court in CrI.OP(MD) No.4458 of 2024, by BPJ)

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction to expedite the investigation, in connection with Crime No.15/2020 on the file of 1st respondent to file and final report within the time stipulated by this Court.

For Petitioner  
For Respondents

: Mr.S.Lawrence Vimalraj.  
: Mr.M.Sakthi Kumar  
Government Advocate(CrI.side)



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## **ORDER**

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The petitioner is a witness in Crime No.15 of 2020, has approached this Court, seeking a direction to the respondent police to file a final report in the above crime number within a stipulated time.

2.The learned counsel for the petitioner submits that the petitioner has married one Suresh Abraham Prathab on 12.01.2009 at CSI Church, Mukuperi and her husband is working as an Assistant Professor in Margoschis College of Arts and Science, Nazareth. Due to some misunderstanding, they are living separately. The petitioner's husband has filed a divorce application before the Principal District Court, Tuticorin in DOP No.325 of 2016 and has also created a record as if the summon was served on her. The above DOP No.325 of 2016 was also decreed exparte on 03.10.2016. The petitioner has filed an application to set aside the exparte order passed in DOP No.325 of 2016 that the summon was not served on her. After verification, the Administrative Officer of the Principal District Court, Tuticorin has lodged a complaint as against the husband of the petitioner for the offence under Section 205 of IPC. He further submits that though the



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complaint was lodged by the Administrative Officer of the Principal District Court, Tuticorin, the respondent police has not conducted an investigation in Crime No.15 of 2020. Therefore, the petitioner is before this Court.

3.Mr.M.Sakthi Kumar, learned Government Advocate (CrI.side) appearing for the respondent submits that Suresh Abraham Prathab/the accused/the husband of this petitioner has filed a divorce case against this petitioner before the Principal District Court, Thoothukudi in DOP.No.325 of 2016. During the enquiry, the said Suresh Abraham Prathab has furnished a false address of this petitioner that she was residing in Door No.67, Adaikalapuram, Moolakarai Village, Srivaikundam Taluk, Thoothukudi District. When the notice was sent to that address, the said Suresh Abraham Prathab has received the same fraudulently by engaging a fake person, who was only known to him. The acknowledgment slip is a vital document to this case, which has to be sent to RFSL, Madurai for signature comparison with the sample signatures of this petitioner to prove the prosecution. Hence, the respondent has submitted a copy application before the trial Court. As directed by the trial Court, the respondent has submitted a requisition



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before the Judicial Magistrate Court No.I, Srivaikundam to get the acknowledgment. Later it was found that the case diary and the entire files have been damaged due to flood. He further submits that after getting acknowledgement from the Court, it would be sent for signature comparison and on receipt of a report from the Forensic Lab, final report would be filed.

4.This court considered the rival submissions made and also perused the materials placed on record.

5.It appears that the case was registered in the year 2020 that too, based on the complaint given by the Administrative Officer of the Principal District Court, Tuticorin that the offence has been committed before the Court and the same has been dealt with in such a manner from the year 2020. The present officer, who is present before this Court, has put the blame on the previous officer and the present officer has not taken any steps to conduct the investigation in a proper manner. The copy application has been filed before the Court on 06.04.2024. However, no action has been taken by the respondent police. It is very

unfortunate that the case, which was registered in the year 2020 is still



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pending without filing the final report, which itself, expose the manner,  
in which the investigation has been conducted in this case.

6.In view of the above, this Court *suo motu* impleads the Superintendent of Police, Tuticorin as a party to this petition and the learned Government Advocate (Crl.side) is directed to take notice for the newly impleaded respondent. The Superintendent of Police, Tuticorin is directed to withdraw the case from the file of the first respondent and to entrust the same with some other sincere officer and also ensure that the final report is filed within a period of three months from the date of receipt of a copy of this order.

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

**01.08.2024**

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



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- 1.The Inspector of Police,  
Srivaikundam Police Station,  
Tuticorin District.
- 2.The Superintendent of Police,  
Tuticorin
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**B.PUGALENDHI,J**

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**Order made in**  
**Crl.OP(MD)No.4458 of 2024**

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