



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Eighteenth day of October Two Thousand and Twenty Four

PRESENT
The Hon`ble Mr.Justice B.PUGALENDHI

CRL MP(MD). No.7141 of 2024
in
Crl.O.P(MD)No.766 of 2023

Kannan

... Petitioner/Petitioner

Vs

1 The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District. Crime No. 77/2021

2 The Superintendent of Police
Virudhunagar. (R2 is Suo-Motu Impleaded as
Per Order of the Court District 18/07/2024
in Crl.MP(MD).7141 of 2024 in Crl.OP(MD).766
of 2024) ... Respondent/Respondent

Prayer :-

Criminal Miscellaneous Petition filed under section 482 of Criminal Procedure Code U/s. 528 of BNSS To issue direction to the respondents to comply the order in Crl O.P (MD) No. 766 of 2023 dt. 06.02.2023 passed by this Honble court and to file final report within the time frame fixed by this Honble court and to pass such further or other orders.

Prayer in Crl.O.P(MD)No.766 of 2023:-

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondent to investigate FIR No.77 of 2021 pending on the file of the respondent as expeditiously possible and to file final report.



ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/s. A. Balaji, Advocate for the Petitioner and of Mr. B. Thanga Aravindh, Government Advocate for the respondents, this Court made the following order:

The petitioner has filed this application seeking a direction to the respondent police to comply with the order passed by this Court in CrI.O.P(MD) No.766 of 2023, dated 06.02.2023.

2.The petitioner is the victim and the defacto complainant in Crime No.77 of 2021, which was registered by the first respondent for the offences under Sections 147, 294(b), 323, 324, 506(1), 379 and 427 IPC.

3.The case of the prosecution is that due to previous motive, on 18.04.2021, the accused by using JCB, have removed the petitioner's shop and also assaulted him. The petitioner/defacto complainant has approached this Court by filing a petition in CrI.O.P(MD)No.766 of 2023 seeking a direction the respondent police to conclude the investigation in Crime No.77 of 2021 as expeditiously as possible.

4.In that application, the learned Government Advocate (CrI.Side) appearing for the Vachakarapatti Police Station has made a submission that the respondent police needs three months time to file the final report. Considering the same, this Court by order, dated 06.02.2023 has disposed of the application with a direction to the respondent police to complete the investigation and file final report, within a



period of three months, from the date of receipt of a copy of that order.

5. Now, the petitioner/defacto complainant has filed this application that the earlier orders of this Court, dated 06.02.2023, has not been complied with.

6. The learned Counsel appearing for the petitioner submits that the contempt petition was filed by the petitioner was not entertained by the Registry that the contempt petition was filed after lapse of one year and therefore, the petitioner has filed this criminal miscellaneous petition seeking the above relief.

7. Considering the manner, in which, the investigation has not been completed even after the orders of this Court in CrI.O.P(MD)No.766 of 2023, dated 06.02.2023, this Court *suo-motu* initiated contempt proceedings as against the respondent police, namely, Mr.Ramaraj, Inspector of Police, now working at Soolakarai Police Station, Virudhunagar District and also impleaded the Superintendent of Police, Virudhunagar District and directed the Superintendent of Police to file a report before this Court for not complying with the earlier orders passed by this Court, dated 06.02.2023.

8. The Superintendent of Police, Virudhunagar, has filed a report stating that he has immediately called for the records, perused the files, monitored the investigation and also ensured that the investigation in Crime No.77 of 2021 is completed and final report is also filed before the Judicial Magistrate No.I,

Virudhunagar through e-filing No.LTN 20220001820C202400187 - CC, dated

<https://www.mhc.tn.gov.in/judis>



02.10.2024. The Superintendent has also stated that there is a dereliction on the part of Mr. Ramaraj, the Inspector of Police, for which, he has also issued a charge memo under Rule 3(a) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 and imposed a punishment of censure by order, dated 03.10.2024.

9. This Court has considered the submissions made and perused the report of the Superintendent of Police, Virudhunagar District.

10. The purpose of registering a case is to address the grievance of the victim. If there is any delay in filing the final report, then, the victim as well as the witnesses would demoralise. In this case, the victim has approached this Court and obtained the order. The order was also passed by this Court on 06.02.2023 based on the undertaking given by the respondent police that the investigation would be completed within a period of three months. However, they have not attended the case for which, the Superintendent of Police, Virudhunagar, appears to have taken some action.

11. It is not the intention of this Court to punish the officials, at the same time the officials must realise their responsibilities and duties and ensure that the victims are addressed properly. This Court place its appreciation to the Superintendent of Police, Virudhunagar for the action taken by him in addressing the grievance of the victim by ensuring the filing of the final report and also by taking disciplinary



proceedings as against the erring official. The Superintendent of Police, Virudhunagar has upheld the majesty of the Department. This Court hope and expect that this type of action taken by the Superintendent of Police would ensure the other officials in discharging their duties in a responsible manner. Once again by placing appreciation to the Superintendent of Police, Virudhunagar for the proper action taken by him, this petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/11/2024

Sub Assistant Registrar
(CS-1/II/III/IV)

TO

1. The Judicial Magistrate No.I,
Virudhunagar.
2. The Superintendent of Police
Virudhunagar.
3. The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

ORDER DATED : 18/10/2024

ORDER

CRL MP(MD). No.7141 of 2024
in
Crl.O.P(MD)No.766 of 2023

Giving direction and etc.
as stated within.

BV (18/11/2024) 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.