



CRL OP(MD). No.11163 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 23.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.11163 of 2024

M.Muthurajan

... Petitioner

Vs

1. The Superintendent of Police,
Trichy, Trichy District.

2. The Inspector of Police,
Pettavaithalai Police Station,
Pettavaithalai,
Trichy District.

3. A.Krithika Arunkumar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to conclude the investigation in Crime No.57 of 2024 on the file of the 2nd respondent and to file a charge sheet within a stipulated time.



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For Petitioner : Mr.B.Rajesh Saravanan
For R-1 & R-2 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)

ORDER

This criminal original petition has been filed seeking a direction as against the 2nd respondent to conclude the investigation in Crime No. 57 of 2024 on the file of the 2nd respondent and to file a charge sheet within a stipulated time.

2. The petitioner is a Panchayat President. The learned Counsel for the petitioner submits that the erstwhile Panchayat President/3rd respondent herein has not credited the property tax in the panchayat account, has forged the signature of the Vice President in certain receipts and has also misappropriated the funds of 100 days work. The complaint lodged in the month of August 2021 has not been registered and therefore, the petitioner has approached the learned Judicial magistrate, Srirangam in Cr.M.P.1330 of 2022 to refer the complaint for an enquiry.



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The learned Judicial Magistrate, Srirangam, by order dated 06.01.2023 had directed the second respondent to enquire into the complaint and to register an FIR. The respondent police has registered a case in Crime No. 57 of 2024 for the offence under Section 403, 406, 420, 465, 468, 471 and 506(i) of IPC on 01.06.2024. The petitioner has now approached this Court seeking a direction to the respondent police to conclude the investigation in Crime no.57 of 2024 on the file of the second respondent.

3. The learned Additional Public Prosecutor submits that the case was registered only on 01.06.2024 and therefore, they need some more time to file the final report.

4. This Court considered the rival submissions made.

5. The petitioner with a grievance has approached the second respondent that the erstwhile Panchayat President has misappropriated the Panchayat funds. For this nature of complaint lodged on 02.08.2021,



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the respondent police, for the reasons, best known to them, have not registered the case and the petitioner was constrained to file an application before the learned Judicial Magistrate has also forwarded the complaint in Cr.M.P.No.1330 of 2022 on 06.01.2024, with a direction to the second respondent to register an FIR. Even thereafter, the second respondent has not registered a case for the past 1 ½ years and chosen to register the case only on 01.06.2024.

6. Therefore, this Court is of the view that the respondent police has not acted upon the petitioner's complaint in order to help the accused. Therefore, the Superintendent of Police, Trichy District, is directed to withdraw the case from the file of the second respondent and to entrust the same to any other competent officer and to ensure that proper investigation has been conducted in Crime No.57 of 2024 within a reasonable time. The Superintendent of Police, Trichy District, is also expected to monitor the investigation either by himself or through the Deputy Superintendent of Police concerned and is also expected to take proper action as against the concerned officer who has failed to take action even after the reference made by the learned Judicial Magistrate,



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Srirangam, in Cr.M.P.No.1330 of 2022 on 06.01.2024.

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

23.07.2024

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

1. The Superintendent of Police,
Trichy, Trichy District.

2. The Inspector of Police,
Pettavaithalai Police Station,
Pettavaithalai,
Trichy District.

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



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B.PUGALENDHI,J

jbr

Order made in
Crl.O.P.(MD)No.11163 of 2024

23.07.2024