



CrI.O.P.(MD) No.11031 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.11031 of 2024

Rajkumar

... Petitioner

Vs

**1. The Superintendent of Police,
Madurai District.**

**2. The Inspector of Police,
Karupayurani Police Station,
Madurai District.
Crime No.187 of 2023.**

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the respondent police to the Final Report in pending FIR in
Crime No.187 of 2023 dated 23.11.2023 on the file of the second
Respondent Police within the time stipulated by this Court.



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For Petitioner : Mr.Vijayaraja J,

For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This criminal original petition has been filed seeking a direction to the respondent police to file the final report in Crime No.187 of 2023.

2.The learned Counsel appearing for the petitioner submits that the petitioner is a Driver cum owner of the Auto Rickshaw. Depending on this Auto Rickshaw for his livelihood, he has lodged the complaint on 22.11.2023 that his Auto Rickshaw is found missing.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the petitioner/victim has lodged a complaint before the respondent police that his Auto Rickshaw was found missing, for which an FIR in Crime No.187 of 2023 was registered on 22.11.2023, for the offence under Section 379 IPC. The second respondent, in the course of investigation, has found that the Auto Rickshaw in the burnt condition.



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Therefore, the respondent police is not in a position to find out who has caused the damage to the petitioner's Auto Rickshaw. He further submits that the respondents are intending to constitute a special team to find out the offenders. Therefore the second respondent needs some more time to investigate into the matter.

4.The respondent police claims that they have found out the Auto Rickshaw in the burnt condition, therefore, they are not in a position to find out the culprit, who has caused such damage to the petitioner's Auto Rickshaw and to take appropriate action.

5.This Court is of the view that since the second respondent is not in a position to find out the culprit for the past one year, there is no scope in retaining the investigation with the second respondent. Therefore, this Court directs the first respondent to withdraw the case from the file of the second respondent and to entrust the same with some other sincere officer within his jurisdiction and to ensure that the final report in Crime No.187 of 2023 is filed within a period of three months, from the date of receipt of a copy of this order.



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6. With the above direction, this criminal original petition is disposed

of.

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NCC : Yes/No

Internet: Yes/No

Index: Yes/No

LR

To

1. The Superintendent of Police,
Madurai District.

2. The Inspector of Police,
Karupayurani Police Station,
Madurai District.

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



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B.PUGALENDHI, J.

LR

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