



Crl.O.P.(MD)No.12632 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.12632 of 2024

K.Ramakrishnan

... Petitioner

versus

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

2. The Inspector of Police,
E5, Mattuthavani Police Station,
Madurai City,
Madurai District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. and Section 528 of BNSS, to transfer the investigation in Crime No. 176 of 2022 pending on the file of the 2nd respondent and entrust the case to the file of the 1st respondent or to some other investigation agency and file final report before the concerned Judicial Magistrate within the time limit that may be stipulated by this Court.

For Petitioner : Mr.A.S.Vaigunth

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



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ORDER

WEB COPY The petitioner is the defacto complainant in Crime No.176 of 2022. He has approached this Court seeking a direction to transfer the investigation in Crime No.176 of 2022 from the file of the second respondent/the Inspector of Police, E5, Mattuthavani Police Station, Madurai, to the first respondent or to some other investigating agency.

2. The learned counsel appearing for the petitioner submits that 15 ½ sovereigns of gold jewels were found missing from the petitioner's house. The petitioner has suspected his maid one Rajeswari and lodged a complaint before the 2nd respondent Police on 28.03.2022. Based on the complaint, a case was registered in Crime No.176 of 2022 for the offence under Section 381 IPC. He further submits that though the petitioner has pointed out the suspected accused, the respondent Police has not conducted any investigation. Therefore, the petitioner has approached this Court in Crl.O.P.(MD)No.21140 of 2022 seeking a direction to file the final



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report in Crime No.176 of 2022 within a reasonable time. This Court, by order dated 09.03.2023, has allowed the said Criminal Original Petition, with a direction to the respondent Police to file the final report within a period of three months. Even thereafter, the respondent Police has not filed the final report. Therefore, the petitioner was constrained to file a contempt petition before this Court in Cont.P.(MD)No.2580 of 2024 and the same was closed on 23.02.2024, based on the undertaking given by the respondent Police that they would file the final report within a period of 15 days. According to the petitioner, even after the undertaking given before this Court in the contempt petition, the respondent Police has not filed the final report. Therefore, the petitioner has filed this petition seeking transfer of investigation.

3. The learned Government Advocate (Crl. Side) submits that the investigation was completed and the final report has also been filed against the suspected accused Rajeswari before the Judicial Magistrate Court No.VI, Madurai, by way of e-filing on 23.03.2024.



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However, the learned Government Advocate (Crl. Side) fairly submits that the final report has not been taken on file till date.

4. This Court considered the rival submissions made.

5. The petitioner has lodged a complaint with a specific allegation against the suspected accused. The respondent Police has registered the case in Crime No.176 of 2022 on 28.03.2022. But, they have filed the final report only on 23.03.2024 that too after the orders of this Court in Crl.O.P.(MD)No.21140 of 2022 and in the contempt petition in Cont.P.(MD)No.2580 of 2023. The final report said to have been filed before the learned Judicial Magistrate No.VI, Madurai, has not been taken on file till date. This exposes the manner in which the investigation was conducted and final report was filed. It is not a mere formality of filing the final report and it has to be filed in a proper manner. If a defective final report has been filed, the Magistrate could not take the case on file. If the final report has been filed in order, then, the concerned Inspector of Police



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ought to have followed the same with the Constable who has been deputed exclusively for the particular Court. It is not known as to why the final report, which was filed on 23.03.2024, has not been taken on file till date. Therefore, this Court feels that the respondent Police has not conducted the investigation in a proper manner and filed the final report in a proper manner.

6. Therefore, this Criminal Original Petition is allowed with a direction to the Commissioner of Police, Madurai City, to withdraw the case from the file of the second respondent and entrust the investigation to some other sincere officer, for proper investigation. The new investigating officer shall complete the investigation and file the final report within a period of three months. The learned Judicial Magistrate No.VI, Madurai, shall return the final report already submitted.

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes/No.

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B.PUGALENDHI, J.
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WEB COPY To

1. The Judicial Magistrate Court No.VI,
Madurai.
2. The Commissioner of Police,
Madurai City.
3. The Superintendent of Police,
Madurai District,
Madurai.
4. The Inspector of Police,
E5, Mattuthavani Police Station,
Madurai City,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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