



Crl.O.P.(MD) No.23492 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.01.2024

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.23492 of 2023

K.Soodamani

...Petitioner

VS

- 1.The Director General of Police,
Tamil Nadu.
- 2.The Inspector General of Police,
South Zone,
Madurai.
- 3.The Superintendent of Police,
Tuticorin,
Tuticorin District.
- 4.The Deputy Superintendent of Police,
Tuticorin,
Tuticorin District.
- 5.The Inspector of Police,
Thattaparai Police Station,
Tirunelveli District.
- 6.The Inspector of Police,
CBCID,
Tuticorin District.



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7.Cletus Babu

*(R1 and R2 have been suo motu
impleaded by this Court.)*

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the 1st respondent to transfer the investigation in Crime No.84 of 2016 on the file of the 3rd respondent to the 4th respondent or any other competent investigation agency or to complete the investigation.

For Petitioner : Mr.C.Susikumar for
M/S.Subash Law Office

For R1 to R6 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to direct the first Respondent to transfer the investigation in Crime No.84 of 2016 from the file of the third Respondent to the file of fourth Respondent.

2.The learned counsel for the Petitioner submits that the Petitioner is a senior citizen. As per the submission of the learned counsel for the



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Petitioner, the Petitioner had 4 sons. The elder son was unmarried. He went to work at Thirupur. Since he was unmarried, the Petitioner herein as father settled the 'A' property, agricultural property, measuring an extent of 5 acres and 69 cents in S.No.227, Varthagareddipatti Village, Tuticorin District in favour of his elder son. Subsequently, his whereabouts were not known. Therefore, the Petitioner had approached the third Respondent with a complaint regarding missing of his elder son. Till date, he had not been found. Therefore, the Petitioner moved this Court by filing HCP.(MD) No. 1252 of 2016, in which this Court had issued the following directions:-

“4.When that be so, no further direction is required in this matter, except making an observation that the second respondent shall register a case and investigate the matter in accordance with law.”

3.Till date, they had not conducted the fair investigation. Further, the learned counsel for the Petitioner submitted that the Petitioner had approached the land, which was settled in favour of his missing son. The fourth Respondent alleged to have threatened him not to enter the property as he will do away with the Petitioner and he had already done away with



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the Petitioner's elder son. Due to the threat extended by the fourth Respondent, the Petitioner had given representations to various Officials in the State. Till date, they had not taken any action. Therefore, he had sought for withdrawal of the case from the file of the third Respondent to any other Agency.

4.The learned Additional Public Prosecutor submits that the investigation had proceeded. The Petitioner with an intention to sell the property had approached this Court with a direction as though the fourth Respondent had threatened him.

5.By way of rejoinder, the learned counsel for the Petitioner submits that the fifth Respondent also threatened him with the help of his henchmen. Various representations given to various Authorities had not been responded till date.

6.Considering the submissions made by the learned counsel for the Petitioner that he had lost his elder son, who is missing till date, he could not be traced out in spite of the directions given in HCP(MD) No.1252 of



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2016, the allegation made by the Petitioner is *prima facie* found reasonable.

Therefore, even though he had not impleaded the Higher Officials in the Police Department, this Court *suo motu* impleads the Director General of Police, Tamil nadu as necessary party, since the allegations are made against the Police Officials and also the Inspector General of Police, South Zone, Madurai, as Respondents 1 and 2. The original Respondents 1 to 5 are rearranged accordingly.

7.The first Respondent/the Director General of Police, Tamil Nadu, is directed to issue appropriate instructions to the second Respondent/the Inspector General of Police, South Zone, Madurai, who shall conduct an inhouse enquiry regarding the allegations made against the Police Officials. The second Respondent/Inspector General of Police, South zone, Madurai, shall withdraw the pending investigation in Cr.No.84 of 2016 from the file of the fifth Respondent/Inspector of Police, Thattaparai Police Station, Tirunelveli District and nominate a senior Police Officer not below the rank of Additional Superintendent of Police/Deputy Superintendent of Police, who is impartial in the assessment of the second Respondent/Inspector General of Police, South Zone, Madurai, shall supervise the investigation to



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its logical end and file appropriate final report before the Court concerned.

The Respondents 1 and 2 shall consider the allegations made against the Respondents 5 and 6 by the Petitioner regarding the threat held out by the sixth Respondent against the Petitioner, who is the Senior Citizen, regarding the property that he had settled in favour of his missing son and the allegations by holding inhouse enquiry in detail against the sixth Respondent accordingly, as per law.

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

Internet:Yes./No
Index:Yes/No
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To

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South Zone,
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7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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