

T. Krishnan Vs. the State and anr.

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Court : Chennai

Decided On : Apr-16-2001

Reported in : 2001CriLJ2986

Judge : K. Natarajan, J.

Acts : Indian Penal Code (IPC) - Sections 323 and 506

Appeal No. : Cri. O.P. No. 14580 of 2000

Appellant : T. Krishnan

Respondent : The State and anr.

Advocate for Def. : Public Prosecutor

Advocate for Pet/Ap. : B. Dayalan, Adv.

Disposition : Petition allowed

Judgement :

ORDER

K. Natarajan, J.

1. The criminal O.P. has been filed to direct the respondents to register the complaint dated 29-6-2000, investigate the same and file the final report, in accordance with law.

2. The short facts are: On 12-5-1997 one K. Karnan and Alangarammal, wife of Late Arunachalam, entered into a registered agreement with the petitioner for sale of the immovable property situated in Ramapuram Village in Survey No. 202/3, to an extent of 1570 sq. ft. for a total consideration of Rs. One Lakh. She received an advance of Rs. 90,000/- and the balance amount Rs. 10000/- was to be paid at the time of registration. Differences arose between the parties as the vendors entered into an agreement of sale with some other third party in respect of the same property. A notice was issued to execute the sale deed as per the registered agreement, failing which, the vendors were informed that a suit for specific performance would be filed.

3. On 29-6-2000 at 6.30 pm, the vendors along with other people, came with casuarina sticks, cycle chains and other deadly weapons to the house of the petitioner and threatened him to put his signature in a paper brought by them that he had received back Rs. 90,000/- paid as advance, failing which he would be murdered. When the petitioner refused, the two sons of Alangarammal attempted to stab him with knives. On a complaint by the petitioner, a case in Crime No. 717/2000 under Section 506(ii) and 323, IPC were registered. According to the petitioner, no further investigation was done and the same is kept pending without any progress.

4. The Government Advocate for the prosecution submitted the petitioner did not wish to go to the Government Hospital for treatment and said he would go to the private hospital and ultimately, the case was closed as 'mistake of fact'. The submission that the injured wished to go to the private Hospital and the police allowed to do so is unacceptable. It is for the police to keep track of the evidence and preserve the same and they ought to have sent him to the Government Hospital with a memo, which is a clear lapse.

5. It is seen from the representation of the Government Advocate for prosecution after instructions that no final report regarding mistake of fact was sent to the concerned Magistrate Court or sfny RC notice was served on the petitioner. On a consideration of the documents placed before Court, it is clear that only a make-believe investigation has been done and the investigation is not only faulty but also

partial. It appears though the Sub inspector of Police, S.M. Padvettan of Mangadu Police Station closed the case as mistake of fact, the Station House Officer namely, the Inspector of Police did not chose to exercise any supervision over the investigation at any time and simply allowed the opinion of the Sub Inspector of Police to prevail namely that it is a mistake of fact.

6. Considering the above, I am inclined to hold that a detailed departmental enquiry shall be conducted against the Sub Inspector of Police as well as the Inspector of Police for their lapses, by the Superintendent of Police, Chengal East, immediately on the receipt of a copy of this order and the inquiry shall be over within two months, without fail.

7. In the result, the petition is allowed. The Deputy Superintendent of Police, Saint Thomas Mount Division shall conduct a de novo investigation of this case personally and impartially, uninfluenced by the investigation already done by the local police and file a final report within a period of three months from today, without fail.