

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.4113 of 2014

K.Elumalai

... Petitioner

vs

1.The Director General of Police
for State of Tamil Nadu
Kamarajar Salai
Chennai.

2.The Commissioner of Police
Greater Chennai
Poonamallee High Road
Kilpauk, Chennai.

3.The Assistant Commissioner of
Police, Special Cell for Land
Grabbing case, Chennai City
Police Commissionerate
Kilpauk, Chennai.

4.The Inspector of Police
Pallikaranai Police Station
Pallikaranai, Chennai 600 008.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation of the case in Crime No.1583 of 2011 from the file of the fourth respondent to the file of the third respondent and to direct the third respondent to hold fair and expeditious investigation of the case.

For Petitioner : Mr.G.Prabhakaran

For Respondents : Mr.M.Mohamed Riyaz
Government Advocate
(Criminal side)

ORDER

The petitioner has come up with this petition seeking to transfer the investigation of the case in Crime No.1583 of 2011 from the file of the fourth respondent to the file of the third respondent and to direct the third respondent to hold fair and expeditious investigation of the case.

2. Heard both sides.

3. When the matter is taken up today, the learned Government Advocate (Criminal side) appearing on behalf of the respondents filed a status report given by the fourth respondent, wherein in para No.2 it is stated as follows:

"2. I submit that the brief fact of the petition is as follows:

The case of the prosecution is that the complainant Tr.Elumalai has stated that the vacant land measuring to an extent of 12,160 square feet at Veerabathra Nagar, Vengaiwasal comprised in VGP layout plot Nos.14, 35, 36 and 41 and the same was purchased by one Muthukutty Thangam during the year 1973 vide document No.249/73. After the purchase of the land, the said Muthukutty Thangam fenced the property, in the mean time, he died on 19.06.1998 at Kuala Lumpur, Malaysia. During the year 2011, one Adhistakany [who is the legal heir/wife of Muthukutty Thangam] came to India and visited the said land, she was shocked, because the Adhistakany's lands occupied some peoples by building the house, hence she was enquired the persons, she came to know that one Ramanathan and Devandhiran grabbed her property and also created two general power of attorney deeds were fabricated, as if the those deeds were purportedly executed by the late Mr.Muthukutty Thangam on 27.12.2001 in favour of the said Ramanathan [A1] and Devendiran by forging the signature of late Mr.Muthukutty Thangam vide document No.1643/2001 and 1644/2001. Thereafter, the said land were sold to the accused persons, namely, 1) Gunasekaran [A3], 2) Vennila [A4], Yesuraj [A5], 4) Muralidharan [A6] and 5) Tr.Sankar [A7]. Hence, the said Adhistakani gave a power of attorney in favour of the complainant/petitioner vide document No.814/2011 dated 23.05.2011.

Hence, the complainant lodged a complaint before the Commissioner of Police, Chennai city and the same was forwarded to the fourth respondent police station through proper channel.

As per the direction of the Commissioner of Police, Chennai City, a case was registered in Pallikaranai Police Station Crime No.1583/2011 under Sections 294(b), 419, 420, 465, 468, 471 r/w 34 IPC by Tr.Natarajan, the then Inspector of Police on 27.12.2011 at 20.00 hours and he took up the investigation."

[extracted as such]

4. It appears that the police have arrested one Ramanathan [A1] in this case and thereafter no substantial effort has been taken by them to investigate into the matter. In para No.8 of the status report, it is stated as follows:

"8. I submit that the complainant Elumalai did not produce relevant documents i.e., original documents, death certificate of Muthukutty Thangam, legal heir certificate and other records and not co-operating with the investigation officer. If the defacto complainant produce the above said documents and appear before the fourth respondent police along with the said Adhistakani, after that only I am able to proceed further in accordance with law. Hence, for the above said reasons the case is under investigation."

[extracted as such]

5. I am unable to persuade myself to agree with the reasons given by the respondent-police in the status report. The police have not taken any effective steps by issuing summons to the defacto complainant calling upon him to produce any document. Hence, there has been total standstill in the investigation, which has been registered in the year 2011.

6. Therefore, this Court is of the view that this is a fit case to transfer the investigation from the file of the fourth respondent to the file of the Central Crime Branch, Chennai. The Deputy Commissioner, Central Crime Branch shall entrust the investigation of the case to a Competent Officer in the Central Crime Branch, who shall take up the investigation and conduct the same as expeditiously as possible.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vj2

To

1.The Director General of Police
for State of Tamil Nadu
Kamarajar Salai
Chennai.

2.The Commissioner of Police
Greater Chennai
Poonamallee High Road
Kilpauk, Chennai.

3.The Assistant Commissioner of
Police, Special Cell for Land
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4.The Inspector of Police
Pallikaranai Police Station
Pallikaranai, Chennai 600 008.

5.The Deputy Commissioner,
Central Crime Branch,
Chennai

6.The Public Prosecutor,
High Court, Madras

+1cc to Mr.G.Prabhakaran, Advocate, S.R.No.20635

Cr1.OP. No.4113 of 2014

GGK(CO)
CA(23/04/2015)

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