

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.1240 of 2015

and

MP.No.1 of 2015

K.Santhana Krishnan

...Petitioner

Vs

1.The Inspector of Police,
Modakurichi Police Station,
Erode District.

2.The Deputy Superintendent of Police,
Erode Town,
Erode District.

3.The Superintendent of Police,
Erode District.

4.The Director General of Police,
Radhakrishnan Road,
Mylapore, Chennai-4.

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the investigation in Crime No.201 of 2014 pending investigation on the file of the Inspector of Police, Modakurichi Police Station, Erode District to the file of the Deputy Superintendent of Police, Erode Taluk, Erode District.

For Petitioner : Mr.S.Jayakumar

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

This petition has been filed to transfer the investigation in Crime No.201 of 2014 pending investigation on the file of the Inspector of Police, Modakurichi Police Station, Erode District to the file of the Deputy Superintendent of Police, Erode Taluk, Erode District.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents and perused the materials placed on record.

3. On a complaint lodged by this petitioner, the respondent police registered a case in Crime No.201 of 2014 for offences under Section 294[b], 448, 506[i], 427, 511 IPC against one M.Subramanyam and S.N.Subramani.

4. The crux of the allegation of the petitioner is that the accused by forging the signature of the vendor, filed a civil suit in OS.No.399 of 2014 before the learned District Munsif, Erode. Though the complaint discloses commission of offence of forgery, the respondent police hurriedly conducted the investigation and filed a Final Report for offences under Section 294[b], 506[ii] IPC. Aggrieved by it, the petitioner has approached this Court, either to transfer the investigation or further investigation.

5. The Final Report was filed by one Mr.Subramani, Inspector of Police who has now been transferred. In his place, Mr.Lakshmanan, Inspector of Police has assumed charge. It is seen that Mr.Lakshmanan, Inspector of Police, Modakurichi Police Station has filed an application on 05.06.2015 before the learned Judicial Magistrate III, Erode requesting the Magistrate to send for the documents in OS.No.399 of 2014 for the purpose of investigation of the case. Earlier, the Investigating Officer had sent a requisition letter dated 02.02.2015 to the learned Principal District Munsif, Erode requesting him for the records in OS.No.399 of 2014 for which, the learned Principal District Munsif, Erode by letter dated 04.02.2015 has directed the Investigating Officer to obtain judicial orders from the appropriate court for the records.

6. Only under those circumstances, the present Investigating Officer had to approach the Judicial Magistrate III, Erode for judicial intervention. From the above, it is apparent that though Final Report has been filed and the same has been taken on file as STC.No.2601 of 2015, the present Investigating Officer is of the impression that further investigation is essential in this case.

7. An application can be made by the present Investigating Officer before the learned Judicial Magistrate III, Erode under Section 173[8] Cr.P.C. In order to cut short procedural delay, this Court in exercise of its inherent power under Section 482 Cr.P.C, directs the present Inspector of Police, Modakurichi Police Station to proceed with the further investigation and bring the accused to justice.

8. With the above observation, this Criminal Original Petition is closed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
Modakurichi Police Station,
Erode District.

2.The Deputy Superintendent of Police,
Erode Town,
Erode District.

3.The Superintendent of Police,
Erode District.

4.The Director General of Police,
Radhakrishnan Road,
Mylapore, Chennai-4.

5.The Public Prosecutor,
High Court, Madras.

6.The Judicial Magistrate No.III,
Erode.

1 CC to Mr.S.Jayakumar, Advocate SR.No.33289

KJI (CO)
PSI (16.07.2015)

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