

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.13914 of 2015

&

M.P.No.1 of 2015

V.L.Radhakrishnan

.. Petitioner

Vs

1.The Director General of Police
Dr.Radhakrishnan Salai
Mylapore
Chennai - 600 004

2.The Superintendent of Police
Kancheepuram District
Kancheepuram

3.The Deputy Superintendent of Police
District Crime Branch
Kancheepuram District
Kancheepuram

4.The Inspector of Police
District Crime Branch
Kancheepuram District
Kancheepuram

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the first respondent police to transfer the case in Crime No.50 of 2012 on the file of the Land Grabbing Cell, District Crime Branch, Kancheepuram District to CBI for further investigation against the accused and to proceed further in accordance with law.

For Petitioner : Mr.Mutharasu

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

O R D E R

The present criminal original petition has been filed seeking a direction to the first respondent police to transfer the case in Crime No.50 of 2012 on the file of the Land Grabbing Cell, District Crime Branch, Kancheepuram District to CBI for further investigation.

2. The case of the petitioner is that one Arumugam, Natarajan, Baskar, Balachandran, Sivalingam, R.K.Senthilkumar and J.Anitha have colluded and fabricated a bogus ration card and executed general power of attorney dated 07.02.2005 in the name of one Baskar and based on that Power of Attorney, the said Baskar sold the property measuring 4.5 grounds bearing Plot No.46, 78-A and 78-B in S.No.122/1 situated at No.51, Vallanjerry Village, Chengalpattu Taluk, Kancheepuram District belonging to the petitioner and his brothers V.L.Manikandan and V.L.Srikumar to one D.Sivalingam, J.Anitha and R.K.Senthilkumar. When the petitioner came to know about the same, he lodged several police complaints from the year 2005 and since no action was taken by the police to register the same, he filed CrI.O.P.No.16946 of 2012 in June 2012. Thereafter, a case came to be registered, but the accused names were wrongly mentioned. It is further stated that though the petitioner produced material evidence to establish his case that the above accused persons, by forging the signature of the petitioner and petitioner's brothers, sold the properties, the police officials failed to take action against them and only on the interference of the higher officials, a case in Crime No.50 of 2012 came to be registered. The petitioner would state that Mr.Kamaraj, Sub-Inspector of Police has wrongly mentioned petitioner's name and his brothers name in the accused column as accused 1, 2 and 3 and he has not commenced the investigation though all the accused were available and he had adopted all sorts of dilatory tactics and also demanded money. He has arrested the accused only after a long period. Hence, the petitioner came forward to file the present petition to transfer the case in Crime No.50 of 2012 to Central Bureau of Investigation.

3. Today, when the matter is taken up for consideration, the learned Additional Public Prosecutor, after filing a detailed counter, submitted that originally the complaint was pending before the District Crime Branch and thereafter, the complaint was transferred to Anti-Land Grabbing Cell, Kanchipuram and the investigation was conducted by S.Sathiyavani, Sub-Inspector of Police, Anti-Land Grabbing Special Cell, District Crime Branch, Kancheepuram District and not by Kamaraj and in fact, the investigation is almost completed and the respondent will file a charge sheet within a short period of time and hence, the present petition seeking transfer of the case in Crime No.50 of 2012 on the allegation that Kamaraj, the Sub-Inspector of Police is not conducting the investigation properly is not correct.

4. As it is submitted by the learned Additional Public Prosecutor that the investigation was conducted by S.Sathiyavani, Sub-Inspector of Police and not by Kamaraj, I do not find any valid reason to transfer the case in Crime No.50 of 2012. Hence, recording the submission made by the learned Additional Public Prosecutor, this petition is dismissed. Connected MP.is closed.
Gpa

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Director General of Police
Dr.Radhakrishnan Salai
Mylapore
Chennai - 600 004
2. The Superintendent of Police
Kancheepuram District
Kancheepuram
3. The Deputy Superintendent of Police
District Crime Branch
Kancheepuram District
Kancheepuram
4. The Inspector of Police
District Crime Branch
Kancheepuram District
Kancheepuram
5. The Public Prosecutor,
High Court, Madras.

+1 C.C. To MR.G.Mutharasu, Advocate in SR.NO.63161

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CA(CO)
sd : 08/12/2015