

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.14928 of 2015

S.PREM CHAND JAIN

... PETITIONER

Vs

1 THE DIRECTOR GENERAL OF POLICE
GOVT. OF TAMIL NADU MYLAPORE
CHENNAI.

2 THE COMMISSIONER OF POLICE
CHENNAI POLICE EGMORE
CHENNAI.

3 THE INSPECTOR OF POLICE
(CRIME) S-5
PALLAVARAM POLICE STATION
CHENNAI.

... RESPONDENTS

Criminal Original Petition filed under Section 482 Cr.P.C. seeking direction to transfer the case in S.5 Pallavaram Police Station Cr.No.48/2015 Under Sec.147,448,427,379 and 506 (ii) IPC on the file of the Inspector of Police, S-5 Pallavaram Police Station, Chennai Police to the State Crime Branch CID, Metro wing, Chennai for further investigation.

For Petitioner : Mr.J.Selvarajan

For Respondents : Mr.C.Emalias, APP

सत्यमेव जयते

O R D E R

The present criminal original petition has been filed seeking direction to transfer the case in Cr.No.48 of 2015 u/s Sec.147,448,427,379 and 506 [ii] IPC on the file of the Inspector of Police, S-5 Pallavaram Police Station, Chennai Police to the State Crime Branch CID, Metro wing, Chennai for further investigation.

2. The case of the petitioner is that in the month of December 2010, one Ransom Murray, his wife Elizabeth Murray and her sister Pearline Mascurine represented to him that one

Jeannette Meyers, W/o. Joseph Thomas Meyers, is the landlady of the house and building situate at No.2/24/A Veteran lines, II Street, Pallavaram is willing to sell the said property to Ransom Murray for a sale consideration of Rs.10,92,000/- as he is an Anglo-Indian and not to others. However, the sale consideration demanded by all of them was Rs.25,00,000/-. They further stated that they are not interested to purchase the property, since they do not have much money and requested the petitioner to purchase the property. The said Ransom Murray promised that after getting the sale deed executed in his favour, he would execute General power of Attorney in favour of the petitioner, since he cannot execute the sale deed immediately as the said landlady would come to know. The petitioner also agreed and paid the sale consideration directly to the said landlady. Subsequently, General Power of Attorney was executed in favour of the petitioner on 30.12.2010 and the petitioner is in possession of the said property.

3. It is further submitted by the petitioner that after a lapse of four years period, the petitioner asked the said Ransom Murray to execute the sale deed in his favour. But, the said Ransom Murray cancelled the General Power of Attorney given to the petitioner and executed a settlement deed in favour of his wife on 03.12.2014. The petitioner also filed a suit in OS.No.13 of 2015 on the file of the District Munsif Court, Alandur. On 13.01.2015, the said Elizabeth and others attempted to trespass into the petitioner's property and took possession. Hence, the petitioner lodged a complaint on 13.01.2015 and a case was registered against one Dinesh Kumar, Feroz Khan, Elizabeth and 10 others, in Cr.No.48 of 2015 for alleged offences u/s 147, 448, 427, 379 and 506 [ii] IPC by the 3rd respondent. The only reason assigned by the petitioner for filing this petition to transfer the case in Cr.No.48 of 2015 to State Crime Branch CID, Metro Wing, Chennai, in that the respondents are lethargic in conducting the enquiry.

4. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. In my considered opinion, this Court cannot direct the 3rd respondent to transfer the complaint, however, directs the 3rd respondent police to expedite the investigation in Cr.No.48 of 2015 and complete the same as early as possible, preferably, within a period of four months, from the date of receipt of a copy of this order.

The criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1 THE DIRECTOR GENERAL OF POLICE
GOVT. OF TAMIL NADU MYLAPORE CHENNAI.
 - 2 THE COMMISSIONER OF POLICE
CHENNAI POLICE EGMORE CHENNAI.
 - 3 THE INSPECTOR OF POLICE
(CRIME) S-5 PALLAVARAM POLICE STATION
CHENNAI.
 - 4 THE STATE CRIME BRANCH CID, METRO WING, CHENNAI.
 - 5 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.
- + 1 CC TO MR. J. Selvarajan, Advocate SR.64394

Cr1.O.P.No.14928 of 2015

KJI(CO)
EU 15.12.15

सत्यमेव जयते

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