

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22-12-2015

CORAM:

THE HON'BLE MR. JUSTICE P.N.PRAKASH

CrI.O.P.No.8423 of 2013

S.Srinivasan

.. Petitioner

Vs.

1. The State of Tamil Nadu, rep.by
The Inspector of Police,
P4, Basin Bridge Police Station,
Pulianthoppe,
Chennai - 12.
 2. The State of Tamil Nadu,
rep.by its Director General of Police,
CB,CID, No.3, SIDCO Electronic Complex,
1st Floor, Guindy,
Chennai - 32.
- .. Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure with a prayer to transfer the investigation pending in Cr.No.137 of 2013 on the file of the first respondent to second respondent or any other independent Agency, with a further direction to apprehend accused persons, interrogate them and conduct further enquiry and submit a final report before the competent Court, within a time frame fixed by this Court.

For Petitioner : Mr.R.Veeramani

For Respondents : Mr.K.Prabakar,
Government Advocate (CrI.Side)

Reserved on	Pronounced on
18-12-2015	22-12-2015

O R D E R

This petition has been filed by the defacto complainant, seeking transfer of investigation in Cr.No.137 of 2013 on the file of the first respondent Police.

2. It is the case of the petitioner that he was tenant under one S.Giri and that on 7.12.2012 he was physically dispossessed by his landlord, in connection with which a complaint was given by him on 30.12.2012 to the first respondent police, in which a petition enquiry was initiated in C.S.R.No.178 of 2012. Since no FIR was registered, petitioner filed Crl.O.P.No.4194 of 2013 for a direction to the Police to register FIR and during pendency of the said petition first respondent Police registered a case in Cr.No.137 of 2013 on 3.3.2013 under Sections 294 (b), 341, 506(i) IPC against S.Giri. During the course of investigation the first respondent Police filed an alteration report dated 30.5.2013 in Cr.No.137 of 2013 altering the offences from Sections 294(b), 341, 506(i) IPC to one under Sections 294(b), 341, 506(i), 457 and 380 IPC and also including Lingeswari (wife of Giri) and Kasinathan (son of Giri) as co-accused.

3. The learned Counsel for the petitioner submitted that the progress of investigation is very tardy and very biased, in as much as the FIR itself was registered not on 30.12.2012, but on 3.3.2013, after the petitioner filed Crl.O.P.No.4194 of 2013.

4. This Court perused the case diary and observed that this is not a fit case to transfer the investigation as prayed for, and instead it is suffice to transfer the investigation to the Assistant Commissioner of Police, Pulianthope Range, to be conducted under the supervision of the Deputy Commissioner of Police.

5. It may be necessary to state here that by separate order in Crl.O.P.No.27516 of 2013, this Court has quashed the FIR in Cr.No.137 of 2013 as against Lingeswari and Kasinathan, for the reasons stated therein.

6. In the result, this petition is ordered transferring the investigation in Cr.No.137 of 2013 on the file of Inspector of Police, P-4 Basin Bridge Police Station, to the file of the Assistant Commissioner of Police, Pulianthope Range, to be conducted under the supervision of the Deputy Commissioner of Police, in a free and fair manner.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

vr

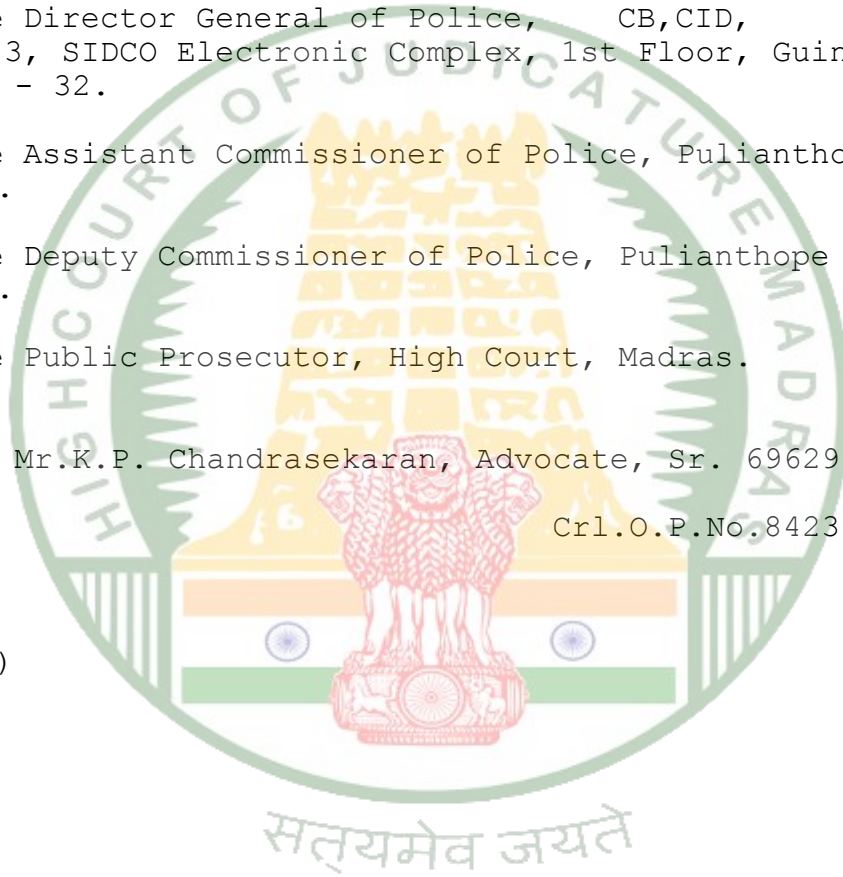
To

1. The Inspector of Police, P4,
Basin Bridge Police Station,
Pulianthoppe, Chennai - 12.
2. The Director General of Police, CB,CID,
No.3, SIDCO Electronic Complex, 1st Floor, Guindy,
Chennai - 32.
3. The Assistant Commissioner of Police, Pulianthope,
Chennai.
4. The Deputy Commissioner of Police, Pulianthope Range,
Chennai.
5. The Public Prosecutor, High Court, Madras.

1 cc to Mr.K.P. Chandrasekaran, Advocate, Sr. 69629

Crl.O.P.No.8423 of 2013

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