

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.27755 of 2015

E.Muthukumaran

...Petitioner

Vs

1. The Superintendent of Police,
Chennai.
 2. The State by
The Inspector of Police,
Velacherry Police Station,
Chennai - 600 042.
 3. S.Kanniyappan
- ...Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to transfer the investigation in Crime No.1119 of 2015 on the file of the second respondent to CBCID for investigation and file a report within the time to be stipulated by this Court.

For Petitioner : Mr.K.P.Gopalakrishnan

For respondent : Mr.C.Emalias
Addl. Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking for a direction to the respondent police to transfer the investigation in Crime No.1119 of 2015 on the file of the second respondent to CBCID for investigation and file a report within the time to be stipulated by this Court.

2. The petitioner became a tenant in respect of the first floor portion at No.8, 1st Street, Baby Nagar, Velachery,

Chennai - 600 042 on 01.01.2014 under the third respondent. The third respondent fixed the advance amount at Rs.50,000/- and also fixed the monthly rent at Rs.8,500/- excluding electricity charges at the time of inception of tenancy.

3. The petitioner is carrying on business in the above said address under the name and style of "Sysop Technologies Pvt., Ltd." The third respondent has granted permission to carry out the repair works, since the building was in a very shabby condition and promised that the expenses incurred would be adjusted in the advance payable by the petitioner. The petitioner has given due account for the expenses incurred by him and he occupied the demised portion from 01.01.2014. The petitioner has been insisting for written agreement, but the landlord was dodging and evading the same from 01.01.2014. As the Rental Agreement is essential for the said business activities, on 07.09.2014, when the petitioner approached the landlord to execute the Rental Agreement, the landlord abused the petitioner and also sent threatening text messages to the petitioner. When the petitioner went to his office on the next day, he found that the rented premises was over locked with another lock. Hence the petitioner lodged a complaint with the second respondent police on 08.09.2014, for which C.S.R.No.363 of 2014 has been assigned. In the meanwhile, when the petitioner was out of station, the landlord with the help of henchmen entered in to the rented premises and took away the vital documents of the petitioner including his passport, School and College mark sheets, Bank Passbooks and cheque books, Pan Card as well as important documents of the company including the Memorandum of Understanding, Salary Slips, Company Accounts, Cash Worth Rs.60,000/- etc. and also movable assets worth about 20 lakhs, viz., 10 laptops, Biometric Reader, Hard Disk Drive, CCTV Cameras, LCD Screens, Watches, Silver God Idol, Silver Plate, Processors, Electronic Device etc.

4. In this regard, the petitioner has lodged a complaint before the second respondent on 13.12.2014 and the second respondent refused to accept the same. Hence, on 16.12.2014 the petitioner sent the complaint through post along with a covering letter to the second respondent, but no action has been taken. Hence, the petitioner has filed a petition in CrI.O.P.No.962 of 2015 to register the complaint and by an order dated 12.02.2015, this Court allowed the above said petition. As per the direction of this Court, F.I.R. was registered in Crime No.1119 of 2015 and thereafter, no progress has been made. Hence, he has come forward with the present petition seeking

transfer of investigation from the second respondent.

5. I have heard the learned Additional Public Prosecutor and the learned counsel for the petitioner.

6. The Additional Public Prosecutor submitted that the investigation is in progress and on completion of investigation, final report will be filed in this case. But the learned counsel appearing for the petitioner denied the above said submission and submitted that the respondent police is purposely delaying the investigation and hence, sought for transfer of the case.

7. Considering the factual circumstances of this case, I am of the opinion that instead of transfer the case, an appropriate direction is issued to the second respondent to expedite the investigation.

8. Accordingly, the second respondent is directed to expedite the investigation in Crime No.1119 of 2015, preferably within a period of two months, from the date of receipt of a copy of this order and the Assistant Commissioner of Police, Vepery, is directed to supervise the investigation of the second respondent.

9. The Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-VI)

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सत्यमेव जयते
Sub Assistant Registrar

vrc

To

1. The Superintendent of Police,
Chennai.

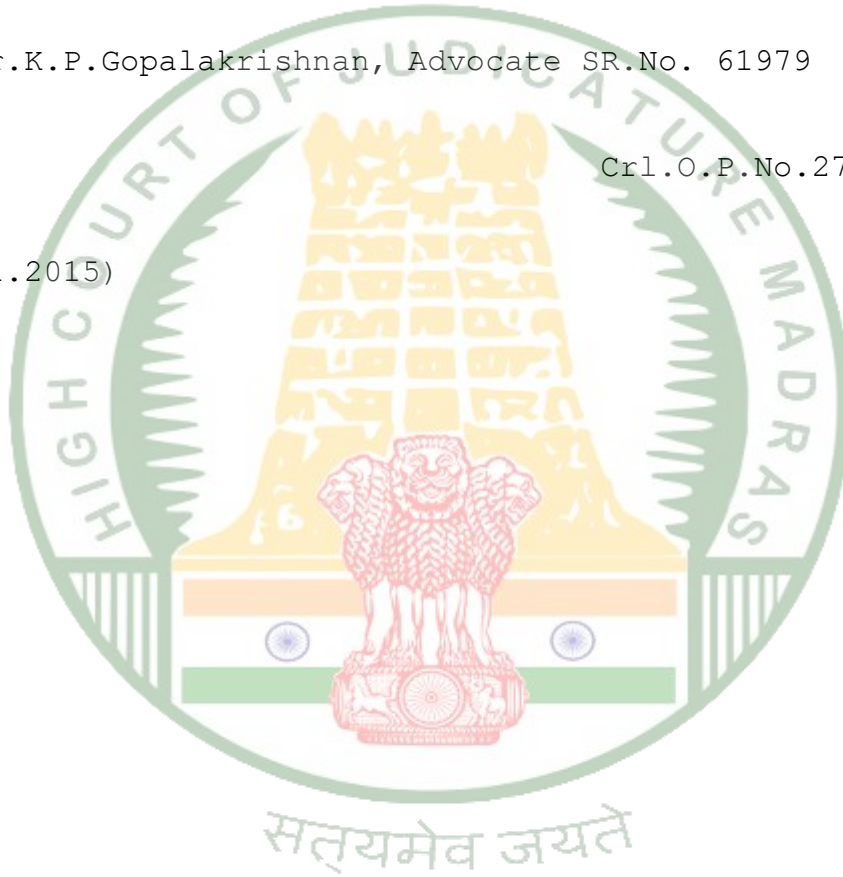
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2. The Assistant Commissioner of Police,
Veperry,
Chennai.
3. The Inspector of Police,
Velacherry Police Station,
Chennai - 600 042.
4. The Public Prosecutor,
High Court, Madras.

1 CC to Mr.K.P.Gopalakrishnan, Advocate SR.No. 61979

Crl.O.P.No.27755 of 2015

SKV (CO)
PSI (19.11.2015)



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