

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Crl.OP No.3746 of 2015

D.Singaram

.. Petitioner

Vs

1.The State, represented by
The Commissioner of Police,
Salem City,
Salem District.

2.The Inspector of Police,
Central Crime Branch,
Salem City,
Salem District.

(Crime No.28 of 2007)

..Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the first respondent to transfer the investigation in Crime No.28 of 2007 on the file of Inspector of Police, Central Crime Branch, Salem, the second respondent herein to CBCID Police Station to secure the ends of justice.

For Petitioner :Mr.K.Kalaikovan

For Respondents :Mr.C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the first respondent to transfer the investigation in Crime No.28 of 2007 on the file of Inspector of Police, Central Crime Branch, Salem, the second respondent herein to CBCID Police Station to secure the ends of justice.

2. The petitioner has lodged a complaint as against TLC Insurance (India) Pvt. Ltd. for the offences under sections 120(B), 406, 403, 420 and 473 of IPC before the second respondent in respect of the occurrence said to have taken place on 30.08.2004. Since the second respondent has not investigated the same, the petitioner moved this court in Crl.O.P.No.30574 of 2007 for direction to the second respondent to register a case on the basis of the complaint filed by the petitioner. As per the directions of this Court,

the second respondent registered the complaint of the petitioner in Crime No.28 of 2007 on 14.09.2007. Even thereafter, there is no progress in the investigation. While so, W.P.No.1356 of 2008 filed by the accused was closed as the Deputy Director of Prosecution has given opinion that the case may be treated as Civil in nature. In this regard, the RCS intimation was served on the petitioner on 23.03.2013 at about 10.00 a.m. by the Grade I Constable namely A.Velmurugan. Thereafter, the petitioner filed CrI.M.P.No.6512 of 2013 before the Judicial Magistrate No.III, Salem stating that the second respondent has closed the matter as Civil in Nature and prayed for an order of fresh investigation and the court also ordered to re-investigate the matter. But till date, there is no progress in the investigation and the respondent police colluded with the accused and helping him to escape from the case. Hence, the petitioner has come forward with the present petition.

3. The learned Additional Public Prosecutor submitted that the petitioner is not co-operating with the enquiry and even after receipt of notice, the petitioner has not appeared before the respondent police for enquiry and thus, he opposed to transfer the investigation.

4. In view of the submissions made on either side, in my considered opinion, there is no need to transfer the investigation in Crime No.28 of 2007. Hence, this court directs the second respondent to expedite investigation in Crime No.28 of 2007 and complete the same as early as possible. The petitioner is directed to co-operate with the second respondent for investigation of the case.

5. The Criminal Original Petition is ordered accordingly.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc

To:

1.The Commissioner of Police,
Salem City,
Salem District.

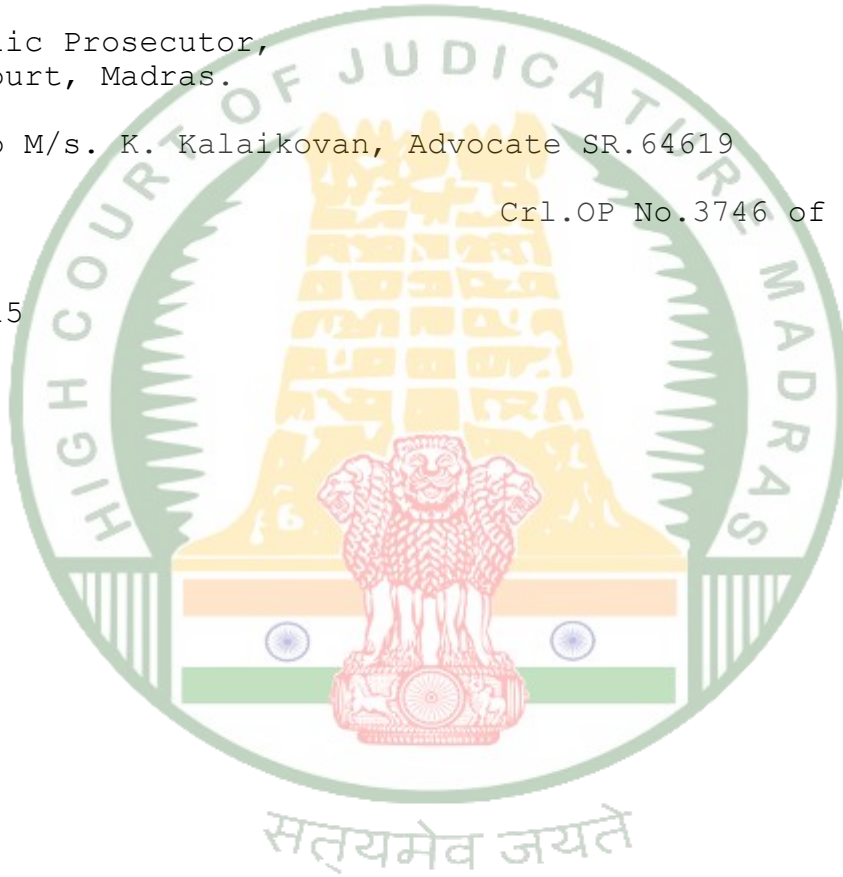
2.The Inspector of Police,
Central Crime Branch,
Salem City,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+ 3 ccs to M/s. K. Kalaikovan, Advocate SR.64619

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PPA(CO)
Eu 23.12.15



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