

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.4592 of 2015

A.M.Mohan Gandhi

..Petitioner

Vs

1.C.Uthirakumar
2.The Deputy Commissioner of Police
St.Thomas Mount
Chennai.

3.The Inspector of Police
S3 Meenambakkam Police Station
Chennai.

4.The Inspector of Police
S-5 Pallavaram Police Station
Pallavaram, Chennai 600 043.

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Deputy Commissioner of Police, St.Thomas Mount, Chennai, the 2nd respondent herein to retain the investigation officer in Cr.No.1334 of 2014 on the file of S3 Meenambakkam Police Station, the 3rd respondent herein.

For Petitioner : Dr.R.Sampathkumar
For R2 to R4 : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the Deputy Commissioner of Police, St.Thomas Mount, Chennai, the 2nd respondent herein to retain the Investigation Officer in Cr.No.1334 of 2014 on the file of S3 Meenambakkam Police Station, the 3rd respondent herein.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. It is the case of the petitioner that he had purchased a plot in the year 1995 in Pozhichalur, Chennai and had constructed house by availing of loan from Andhra Bank. While so, it is alleged by the petitioner that on 12.07.2014, some Advocates and other persons had forcibly entered into the house of the petitioner and after throwing out his aged mother, had tried to take forcible possession of the property. Based on the complaint given by the petitioner, a case in Cr.No.1334 of 2014 was registered by Inspector of Police, S6, Sankar Nagar Police Station and it was

later transferred to the file of S3 Meenambakkam Police Station. The Inspector of Police, S3 Meenambakkam Police Station took up investigation in all earnestness and arrested three accused. The other accused absconded. The eight accused who were not arrested approached this Court in CrI.O.P.Nos.31425, 31452 and 31814 to 31819 of 2014 for anticipatory bail. This Court heard the learned counsel for the petitioners, learned Government Advocate [crl.side] appearing for the State and the learned counsel for the de facto complainant and by a detailed order, dismissed the anticipatory bail applications. The conscience of this Court was indeed shocking at the manner in which the accused had acted in the case.

4. During the pendency of the anticipatory bail applications, one of the accused appears to have filed CrI.O.P.No.31529 of 2014 before this Court alleging that, A.M.Mohan Gandhi [de facto complainant]/the petitioner herein is a family Doctor of the Inspector of Police and therefore, the investigation should be transferred to some other police. This Court by order dated 19.12.2014, accepted his submission and transferred the investigation from the file of S3 Meenambakkam Police Station to the file of the Inspector of Police, S5 Pallavaram Police Station. Now the de facto complainant is before this Court submitting that, the order of transfer has been obtained by the accused by practising deceit on this Court by falsely alleging that the petitioner is a family Doctor of the Inspector of Police, S3 Meenambakkam Police Station.

5. It is contended by the learned counsel for the petitioner that after the case was transferred from the file of Meenambakkam Police Station to the file of Pallavaram Police Station, no action has been taken by the Pallavaram Police and the case has been kept in cold storage. The allegations against the accused are indeed very serious and an expeditious and fair trial is essential.

6. Under such circumstances, this Court is of the view that it is a fit case to transfer the investigation of the case in Cr.No.1334 of 2014 that was pending on the file of S3 Meenambakkam Police Station and which has now been transferred to the file of the Inspector of Police, S5 Pallavaram Police Station be transferred to the CB CID, for fair and thorough investigation. The Superintendent of Police, CB CID shall nominate a very competent and honest Officer for investigating the case. The files shall be transferred within a period of one week from the date of receipt of a copy of this order by the Inspector of Police, Pallavaram Police Station to the Superintendent of Police, CB CID, Metro, who shall immediately take action by nominating an Officer of impeccable integrity for investigation of the same. In para 25 of the order dated 23.12.2014 in CrI.O.P.No.31425 of 2014 batch, this Court has given the following direction:

"25.I direct the Assistant Registrar [crl.side] to take photocopies of the two memos of appearance in CrI.O.P.Nos.28997 and 29148 of 2014 and certify the same and thereafter, replace them in their respective bundles. The original

memos of appearance should be handed over to the Investigating Officer in this case for him to conduct investigation and to send the same along with the admitted sample signatures of Kannan to the Handwriting Expert and for further investigation in this regard."

The Investigating Officer of the CB CID shall collect the two memos of appearance referred to in para 25 from the Assistant Registrar [crl.side], High Court, Madras.

With the above direction, this petition is ordered accordingly.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Deputy Commissioner of Police,
St.Thomas Mount, Chennai.
- 2.The Inspector of Police,
S3 Meenambakkam Police Station, Chennai.
- 3.The Inspector of Police,
S-5 Pallavaram Police Station,
Pallavaram, Chennai 600 043.
4. The Public Prosecutor, High Court, Madras.
5. The Superintendent of Police CBCID, Chennai.

Copy to: The Assistant Registrar,
Crl. Section, High Court, Madras.

Crl.O.P.No.4592 of 2015

JP(CO)
EU(17/06/2015)

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