

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.5448 of 2015

S.Elangovan .. Petitioner/Defacto complainant

Vs

1. The Commissioner of Police,
Chennai.
2. The Inspector of Police,
Law and Order,
R5, Virugambakkam Police Station,
Chennai - 92. .. Respondents/Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the investigation in Crime No.998 of 2013 on the file of the respondent R5 Virugambakkam Police Station to central crime branch police Egmore, Chennai - 8 for further proceedings, an investigations and action without delay.

For Petitioner :Mr.N.A.Kareem

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

ORDER

The Criminal Original Petition has been filed to transfer the investigation in Crime No.998 of 2013 on the file of the respondent, R5 Virugambakkam Police Station to central crime branch police Egmore, Chennai - 8 for further proceedings, an investigations and action without delay.

2. On 24.04.2015, this Court passed the following order;

"It appears that this Court in Cr1.O.P.No.5415 of 2014 dated 31.07.2014, has directed the Inspector of Police (Law and Order), R5 Virugambakkam Police Station, Chennai - 92, to conduct investigation under the supervision of the Deputy Superintendent of Police, Virugambakkam area and complete the investigation as expeditiously as

possible by not later than six months from the date of receipt of copy of that order.

2. Now, the grievance of the petitioner is that even thereafter, the investigation has not been completed. Hence, he has come up with the present petition.

3. In view of the above, the second respondent is directed to be present before this Court along with the case diary on 22.06.2015 at 10.30 a.m., and file status report as to why he had not complied with the earlier order passed by this Court in Crl.O.P.No.5415 of 2014 dated 31.07.2014.

Post the matter on 22.06.2015."

3. Today, Mr.K.Subramanian, Inspector of Police, R5, Virugambakkam Police Station, is present and he has filed status report, wherein, paragraphs No.3, 4 & 5 stated as follows;

" 3. I submit that during the course of the investigation, the petitioner/defacto complainant approached this Hon'ble High Court vide Crl.O.P.No.5415 of 2014 praying to transfer the investigation in Crime No.998/2013 on the file of the respondent police to Central Crime Branch, Egmore. This Hon'ble High Court vide order dated 31.07.2014 inclined to direct the second respondent to conduct the investigation under the supervision of the Deputy Superintendent of Police, Virugambakkam area and complete the investigation as expeditiously as possible by not later than six months from the date of receipt of copy of this order.

4. I submit that on 27.02.2015, I took up charge of this case and I have examined the following witnesses and recorded their statements.

1. Tr.Elangovan - defacto complainant
- 2.Tr.S.Ramesh, S/o.Sundarrajan - relative of the defacto complainant.
- 3.Tr.Balashanmuga Nehru, 4. Tr.Siva - tenants of the defacto complainant.

Witnesses No.1 have corroborated the same version of the complaint and further stated that with regard to the subjected property a civil case

has been filed before the City Civil Court vide O.S.No.7057 of 2012 and the same is pending before the said court.

Witnesses No.2 to 4 also corroborated the same version of the complaint.

5. I submit that now, the investigation is almost completion in stage and final report is yet to be filed as expeditiously as possible in accordance with law.

Under these circumstances, I humbly pray that this Honourable Court may be pleased to accept my status report and pass appropriate order as this Honorable Court may deem fit in the facts and circumstances of the case and thus render justice."

4. Mr.N.A.Kareem, learned counsel appearing for the petitioner submits that the petitioner is always ready to cooperate with the investigation; appear before the investigation officer and to submit the necessary materials.

5. Accepting the status report filed by the respondent police, this Court directs the petitioner to cooperate with the investigation and further directs the Assistant Commissioner of Police, Vadapalani, to monitor the investigation in Crime No.998 of 2013 and final report should be filed within a period of four weeks from the date of receipt of copy of this order. A copy of the final report shall be served on the petitioner and the petitioner would be entitled to approach the Magistrate, if he has any grievance by filing a protest application.

sms

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Chennai.
2. The Assistant Commissioner of police,
Vadapalani,
Chennai.

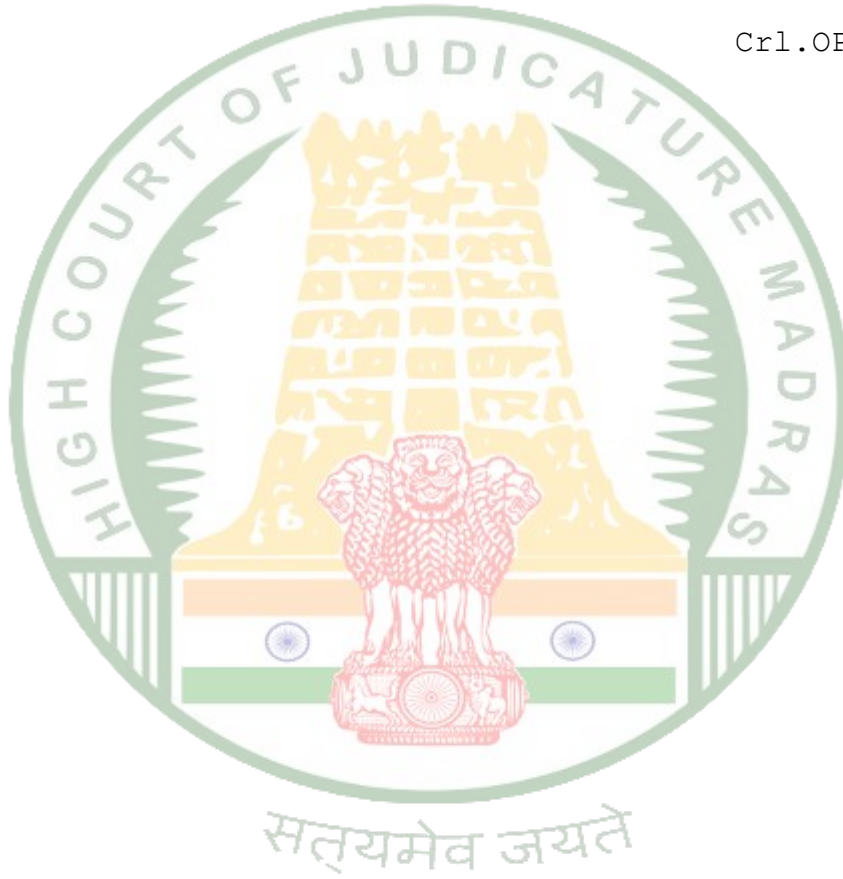
3. The Inspector of Police,
Law and Order,
R5, Virugambakkam Police Station,
Chennai - 92.

4. The Public Prosecutor,
High Court, Madras.

+ 2 ccs to Mr.N.A.Kareem Advocate SR 31134

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