

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2016

CORAM

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

CrI.O.P.No.15258 of 2016

M.Uma

... Petitioner

Vs.

State rep by
The Inspector of Police,
Central Crime Branch,
7th Team, Vepery,
Chennai – 600 007.

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C praying to direct the respondent to expedite the investigation by filing final report in Cr.No.463 of 2012 on the file of the respondent.

For Petitioner	: Mr.Devaraj Mahesgh
For Respondent	: Mr.C.Emalias
	Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction to the respondent to expedite the investigation by filing final report in Crime No.463 of 2012 on the file of the respondent-Police.

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

3. Today, Mr.M.Karunanidhi, Inspector of Police, Central Crime Branchm 7th Team, Vepery, Chennai, is present and has filed a status report, wherein in Paragraph No.10, he has stated as follows :

"10. It is submitted that the investigation of the above said case was completed and prepared draft charge sheet by the respondent police and further the said Chit fund concerned, namely, Sabari Ganesh Chit Fund Pvt. Ltd., is a registered Company vide Corporate Identity Number: U7 4999 TN2011PTC81547. Since the above said company is a registered one, the officers of Economic Offence Wing, (EOW) Guindy in Chennai only authorised to conduct investigation and lay a charge sheet against the accused concerned as per law. Hence, the respondent police is making arrangements to transfer the case to EOW Guindy Chennai through the superior officers for further proceedings."

4. The fact remains that the FIR in this case was registered in

the year 2012 and since then, the Inspector of Police, Central Crime Branch, 7th Team, Vepery, has conducted investigation and has collected enough materials to prosecute the accused. At this juncture, it is not necessary for the respondent to transfer the investigation to the Commercial Crime Investigation Wing (CCIW) on technical grounds.

5. Under the Code of Criminal Procedure, the respondent herein has the authority to conduct the investigation and file a final report before the competent Court. The internal circular of the Police Department cannot create a statutory embargo on the respondent to proceed with the investigation and file a final report as the circular cannot have the effect of overriding the provisions of the Code. At this juncture, if the investigation is transferred to the Commercial Crime Investigation Wing (CCIW), it will take another five years for the case to reach the Court.

6. Under such circumstances, the respondent-Police is directed to file a final report before the competent Court and proceed further with the matter in accordance with law.

With the above direction, this Criminal Original Petition is closed.

16.08.2016

ds

P.N.PRAKASH,J

ds

To:

1.The Inspector of Police,
Central Crime Branch,
7th Team, Vepery,
Chennai – 600 007.

2.The Public Prosecutor
High Court, Chennai.

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