

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.25005 of 2015
and
M.P.No.1 of 2015

Mrs.Ramjan Beevi

... Petitioner

Vs.,

State rep. by
Inspector of Police,
Virinjpuram Police Station,
Vellore District.
(Crime No.262 of 2014)

... Respondent

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to transfer the investigation in Crime No.262/2014 pending on the file of the 1st respondent to other appropriate investigation office.

For Petitioner : Mr.A.Saravanan

For Respondent : Mr.C.Emalias, Additional Public Prosecutor

ORDER

This petition has been filed by the petitioner praying to transfer the investigation in Crime No.262 of 2014 pending on the file of the 1st respondent to some other investigating agency.

2.The petitioner is one of the partners of a firm by name M/s.Annai Fabricators, which is dealing in Electric Motors. The other partners of the said firm are one S.Badrunnisa, Yasmin Zuberiya, Junaith, Zubaitha Bevi (since deceased) and Peer Mohammed. The said firm participated in an auction held by TIIC on 12.06.1995 and they purchased land, building and machineries of Dencom Pvt Limited located at OldNo.316/5 and New No.20, Bangalore High Court, Mottur Village, Vellore. The said company was meant for fabrication work and for repairing old electrical motors and machineries. While so, on 01.02.2007, due to the misunderstanding among the partners, one of the partners viz., Padurunnisa lodged a complaint and the same was

registered in Crime No.30 of 22007 under Sections 406, 420, 468, 471 r/w 120(b)(i) IPC. On completion of investigation, a chargesheet was filed and the same is pending before the learned Judicial Magistrate-V, Vellore. Subsequently, it came to be known that one Haniffa(A1), Zunaith (A2) & Peermohamed(A3) stolen the machineries and sold the same and divided the amount among themselves. Hence, the petitioner herein lodged a complaint and the same was registered in Crime No.262 of 2014 under Section 380 IPC. But, the respondent-Police, on completion of investigation, had referred the case as mistake of fact and served the RC notice No.12/2014 to the defacto-complainant/petitioner herein; but, she refused to receive the same. On 22.09.2014, the respondent-Police filed the final report before the learned Judicial Magistrate No.IV, Vellore, wherein the defacto-complainant appeared and objected the RC notice. The learned Magistrate, by order dated 25.08.2015, directed the respondent-Police to conduct further investigation in the matter under Section 173(8) of Cr.P.C. Pursuant to the direction given by the learned Magistrate, the respondent-Police has once again took up the investigation and examined the defacto-complainant and the said Buhari and recorded their statements. Further, the respondent-police has to examine some more witnesses and some more documents have to be collected. While so, the petitioner has come forward with the present petition seeking to transfer the investigation.

3.It is the main submission of the learned counsel for the petitioner that earlier the respondent-police conducted investigation and referred the matter as mistake of fact; therefore, it would be appropriate to transfer the investigation to some other agency.

4.Heard the learned Additional Public Prosecutor also and perused the materials available on record.

5.Considering the facts and circumstances of the case, I am of the opinion that instead of transferring the investigation, it would be appropriate to direct the Deputy Superintendent of Police to supervise the investigation being conducted by the respondent-police.

6.Hence, this Court directs the respondent viz., Inspector of Police, Virinjipuram Police Station, Vellore District, to expedite the investigation of the case in Crime No.262 of 2014 and complete the same as early as possible. The Deputy Superintendent of Police, Vellore is directed to supervise the investigation being conducted by the respondent.

With the above directions, this criminal original petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS II)

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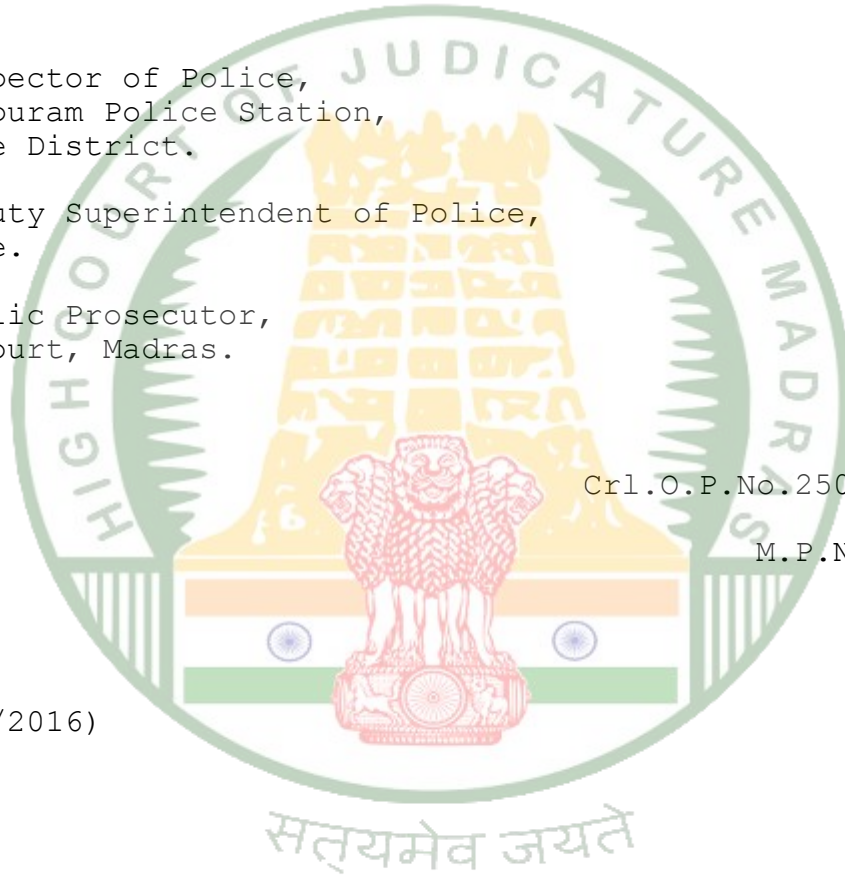
Sub Assistant Registrar

To,

- 1.The Inspector of Police,
Virinjpuram Police Station,
Vellore District.
- 2.The Deputy Superintendent of Police,
Vellore.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.25005 of 2015
and
M.P.No.1 of 2015

svi (CO)
srg (28/01/2016)



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