

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.09.2016

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.No.16580 of 2016

P.Daisy Rani

... Petitioner

Vs

- 1.The Commissioner of Police,
Greater Chennai,
Chennai - 600 007.
- 2.The Inspector of Police,
K-11 CMBT Police Station,
Chennai - 600 107.
- 3.The Inspector of Police,
Crime Branch-Criminal Investigation
Department (CB-CID),
No.220, Pantheon Road,
Egmore, Chennai -8.

... Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C to transfer the
F.I.R. in Crime No.72/2016 pending on the file of 2nd respondent to CB-CID or
any other agency and direct them to investigate the case in accordance with law.

For Petitioner : Mr.C.S.Pillai
For Respondents : Mr.C.Emalias, APP

ORDER

This Petition has been filed to transfer the FIR in Crime No.72 of 2016 pending on the file of 2nd respondent, to CB-CID or any other agency and direct them to investigate the case in accordance with law.

2. The case of the petitioner is that she is the owner of 2,400 sq.ft. of land in Koyambedu area and she purchased the same on 02.09.1985 from one Darius P. Lawyer and K.E.Arunachalam and since then, the petitioner has patta of the land in her name. Similarly, one Madhava Rao, is the owner of the plot adjacent to the petitioner's plot.

3. Under such circumstances, it is alleged by the petitioner that on 13.11.2015, when she went to her plot, she found that M/s.SRM Travels is illegally parking their buses in her land and they are claiming ownership to the said land by a lease agreement entered into with one Indirani. On the complaint lodged by the petitioner, the respondent Police have registered a case in Crime No.72 of 2016 on 05.02.2016 under Section 147, 448, 427 and 506[i] IPC against five persons. Not satisfied with the progress of the investigation, the petitioner is before this Court for transfer of investigation to any other agency.

4. Today, when the matter was taken up for hearing, Mr.S.Krishna Kumar, Inspector of Police, K-11, CMBT, Chennai-107, is present.

5. On 08.09.2016, this Court gave certain directions in the above matter and before the order was signed, a special mention was made by Mr.ARL.Sundaresan, learned Senior Counsel appearing for one Mr.Ravi Pachaimuthu, Director of M/s.SRM Travels and Transport, submitted that they were in occupation of the property as permissive occupant, having been permitted by one Indirani and Gopinath through their Power Agent and therefore, any direction passed by this Court should not in any way prejudice the rights of the parties in the pending civil cases. Hence, this Court posted the matter today under the caption "for being spoken to".

6. Heard Mr.C.S.Pillai, learned counsel for the petitioner, Mr.ARL.Sundaresan, learned Senior Counsel appearing for M/s.SRM Travels and Transport, Mr.B.Kumar, learned Senior Counsel, Mr.Subba Redddy and Mr.Thilagaraj, learned counsels appearing for various parties and Mr.C.Emalias, learned Additional Public Prosecutor appearing for the respondents.

7. Learned Additional Public Prosecutor, on instructions submitted that during the course of investigation, it was found that the patta that was produced by Indirani was found to be bogus. He further submitted that the land in question is "sarkar poramboke" and is also under acquisition proceedings, which is strongly refuted by Mr.C.S.Pillai and Mr.Subba Reddy.

8. This Court cannot go into these disputed question of facts in a petition under Section 482 Cr.P.C. Mr.B.Kumar and Mr.ARL.Sundaresan, learned Senior Counsels submitted that M/s.SRM Travels is ready to quit from the place leaving the others to resolve the dispute among themselves. Recording their submission, this Court directs M/s.SRM Travels to handover the property forthwith to Indirani and Gopinath, who had put them in possession.

9. Taking into consideration, the nature of allegations in the FIR, this is not a fit case to transfer the investigation to any other agency. However, the Assistant Commissioner of Police, Koyambedu, is directed to monitor the investigation in Crime No.72 of 2016, who shall bear in mind the fact that M/s.SRM Travels have agreed to vacate and handover the disputed property to Indirani and Gopinath and proceed with the investigation with regard to the allegations in the FIR and if required, file an alternation report for including other IPC offences, if material surfaces during investigation. The Assistant Commissioner of Police and the Inspector of Police are directed to expeditiously

conduct the investigation and take action in accordance with law.

With the above direction, this petition is closed.

15.09.2016

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To

- 1.The Commissioner of Police,
Greater Chennai,
Chennai - 600 007.
- 2.The Assistant Commissioner of Police,
Koyambedu,
Chennai - 600 107.
- 3.The Inspector of Police,
K-11 CMBT Police Station,
Chennai - 600 107.
- 4.The Inspector of Police,
CB-CID,
No.220, Pantheon Road,
Egmore, Chennai -8.
- 5.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.

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