

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.16928 of 2016

1.T.S.Ganeshraja

2.Logeswaran

Rep. by their Power Agent A.Bose

...Petitioners

Vs.

The State

Rep.by the Inspector of Police,
D1-Chengalpattu Town Police Station,
Chengalpattu

(Crime No.68 of 2016)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the respondent Police to file final report in Crime No.68 of 2016 pending on the file of the respondent after thoroughly investigating into the matter within a time frame fixed by this Court.

For Petitioners : Mr.R.Sankarappan

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking a direction to the respondent police to investigate the matter in Crime No.68 of 2016 and to file a final report within a time period.

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

3. The FIR in this case has been registered pursuant to the directions issued by this Court in WP.No.7116 of 2014 dated 11.08.2015. It is the case of the de facto complainant that the first petitioner Ganeshraja filed a suit in O.S.12 of 1996 before the District Munsif, Chengalpattu, Kancheepuram District and during trial he had marked Exs.A1 to A6 as documents

relating to his property in ECR Road near Thiruvidadanthai. The suit was dismissed and the appeal in A.S.No.6 of 2003 before the Sub Court, Chengalput, was also dismissed. Thereafter, the second appeal filed in S.A.No.1214 of 2010 is pending before this Court and when this Court called for records from the trial Court, it was reported that Exs.A1 to A6 are not available and that it had been taken by an Advocate named E.Nandakumar by forging the signature of Ganeshraja.

4. Though the FIR had been registered as early as in the month of February 2016, no action appears to have been taken by the respondent-Police till date.

5. Taking into consideration the nature of the allegations, this Court is of the view that it will be in the interest of justice, if the investigation in D1-Chengalpattu Town Police Station Crime No.68 of 2016 is transferred to the file of CBCID for further investigation. The Additional Director General of Police, CBCID, Chennai, is directed to appoint an officer for investigation of this case within two weeks from the date of receipt of a copy of this order and the Inspector of Police, D1-Chengalpattu Town Police Station, is directed to hand over the case diary in Crime No.68 of 2016 to the Investigating Officer of the CBCID. The District Munsif, Chengalpattu, is directed to make available and furnish the necessary records to the Investigating Officer of the CBCID for the purpose of effective investigation.

6. The petitioner is directed to give a complaint to the Secretary, Tamil Nadu Bar Council for appropriate action against the said advocate.

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

s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

Copy to :

1. The Inspector of Police,
D1 Chengalpattu town Police Station,
Chengalpattu.
2. The Additional Director General of Police,
CBCID, Chennai.
3. The District Munsif,
Chengalpattu

4. The Sub Judge,
Chengalpattu

5. The Public Prosecutor,
High court, Madras.

6. The Secretary,
Tamil Nadu Bar Council,
Chennai 104.

+ 1 cc to M/s.R.Snakarappan, Advocate SR 44174

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