

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.3365 of 2015

Dr.Elizabeth Rajan

... Petitioner

Vs

The Inspector of Police,
Kelambakkam Police Station (E8),
Kelambakkam,
Kancheepuram District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigating agency from the respondent police to the Central Bureau of Investigation in respect of the case in FIR No.591 of 2014.

For Petitioner : Mr.PL.Narayanan

For respondent : Mr.C.Emalias,
Addl.Public Prosecutor.

ORDER

The present criminal original petition has been filed to transfer the investigating agency from the respondent police to the Central Bureau of Investigation in respect of the case in FIR No.591 of 2014.

2. The case of the petitioner, in nutshell, is a follows:-

(a) The petitioner's father G.Thangaraj was a citizen of Malaysia. He was having two sisters viz., G.Amalaselvi and Dharma Susay. During their life time, the said G.Amalaselvi and Dharma Susay purchased a property measuring to an extent of 4.50 acres each located in Kovalam Village, Chengalpattu District, vide sale deeds in document Nos.2902 and 2903 of 1980 dated 9.4.1980 from one C.R.Yogiswaran, Madhiazhagan and C.Chandrababu. The said G.Amalaselvi died on 26.12.1982 leaving behind her Will dated 23.12.1981 registered as document No.128 of 1981 in the office of the Sub Registrar, Mylapore, bequeathing 4.50 acres of the said land in favour of the

petitioner's father. The said Will was also probated by this Court in O.P.No.302 of 1986. Thus, the petitioner's father became the owner of the said land.

(b) Subsequently, the said Dharma Susay executed a registered power of attorney dated 4.5.2000 bearing document No.514 of 2000 in the office of the SRO, Thiruporur in respect of 4.50 acres of land in favour of the petitioner's father. Thereafter, the petitioner's father executed a lease deed dated 4.5.2000 in favour of one Ranjit Jacob for 52 years, which was registered as document No.1532 of 2000 in the office of SRO, Thiruporur. Thereafter, at the request of the said Ranjit Jacob, an unregistered deed of power of attorney was executed by her father in June 2000 in his favour to help him to put up constructions for his commercial venture with the approval of CMDA. Under the said deed, it was mutually agreed between the said Ranjit Jacob and the petitioner's father that the petitioner's father and Dharma Susay shall hand over all the original documents pertaining to the leased premises to the said Ranjit Jacob within one week from the date of execution of the lease and the documents were to be retained by him for an initial period of six months to enable him to apply for certain clearance. After clearance, that documents were to be jointly deposited by both the parties in a safety locker at a Nationalised Bank or any approved financial institution facilitating both the parties to peruse the said originals upon prior request to the Bank. But, the said Ranjit Jacob, without the consent of the petitioner's father, has taken away the original title deeds within an intention to defraud him and the original documents were not deposited into any Bank.

(c) Before the end of the second year i.e., May 2001, the said Ranjit Jacob was to pay a sum of Rs.10,00,000/-. But, he did not pay the same except paying a few thousand. On enquiry, he informed that he was yet to start his proposed commercial venture. In the year 2012, the petitioner's father suspected some foul play on the part of Ranjit Jacob and asked the petitioner to ascertain the status of the property. The petitioner has also applied encumbrance certificate and she came to know that the said Ranjit Jacob has fraudulently created a general power of attorney dated 5.5.2004, which was shown as executed at Penang, Malaysia in respect of the aforesaid property by impersonating the petitioner's father and forged his signature. He has also created another fraudulent general power of attorney dated 12.1.2005 in his favour in respect of 4.50 acres of land owned by Dharma Susay by forging her signature. Thus, the said Ranjit Jacob cheated the petitioner, who is also one of the beneficiaries under the Will dated 1.7.2012, which was executed by his father in respect of the property in question. Hence, the petitioner has lodged a complaint with the respondent police and the same was registered in Crime No.591 of

2014. Though the said complaint was lodged in the year 2014, till date, there is no progress in the said complaint. Hence, the petitioner has come up with the present petition to transfer the investigating agency from the respondent police to the Central Bureau of Investigation in respect of the case in FIR No.591 of 2014.

3. The respondent police has filed a detailed status report.

4. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor objected to transfer the case to Central Bureau of Investigation. However, he has submitted that he has no objection to transfer the case to CBCID, North Zone, Chennai.

5. In view of the submission made by the learned Additional Public Prosecutor, this Court is inclined to transfer the case to the file of CBCID, North Zone, Chennai.

6. In the result, the case in FIR No.591 of 2014 pending on the file of the respondent police is ordered to be transferred to the file of CBCID, North Zone, Chennai. The respondent police is directed to transfer the said case in FIR No.591 of 2014 pending on his file to the file of CBCID, North Zone, Chennai, forthwith and on receipt of same, the CBCID, North Zone, Chennai is directed to expedite the investigation and file a final report as expeditiously as possible. The criminal original petition is disposed of accordingly.

sbi

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The CBCID,
North Zone, Chennai.
2. The Inspector of Police,
Kelambakkam Police Station (E8),
Kelambakkam, Kancheepuram District.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.P.L.Narayanan, Advocate SR 1449

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