

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2016

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

CRL.O.P.No.23890 of 2009
& M.P.No. 1 of 2009

M.Krishnan

.. Petitioner

.. Vs ..

1. The Commissioner of Police,
Suburban Chennai,
St. Thomas Mount, Chennai - 16.
2. The Inspector of Police,
Pallavaram Police Station,
Chennai - 43.
3. The Inspector General of Police,
Crime Branch - CID,
Government Estate, Anna Salai,
Chennai - 2.
4. T.Kuppusamy
The Assistant Commissioner of Police,
Meenambakkam, Chennai.

... Respondents

Prayer:- Criminal Original Petition filed under section 482 of the Code of Criminal Procedure, praying to transfer the case in FIR No.907 of 2009, dated 17.09.2009 on the file of the fourth respondent to the third respondent.

For Petitioner : Mr.P.Vijendran

For Respondents : Mrs. M.F.Shabana, GA (Crl.side)

ORDER

This petition has been filed under Section 482 Criminal Procedure Code, seeking a direction to transfer the case in FIR No.907 of 2009, dated 17.09.2009, pending on the file of the fourth respondent to the third respondent.

2.It is the case of the petitioner that the second respondent colluded with one another person, tried to grab the property of the petitioner herein and hence, he has sought for

transfer of the case from the file of second respondent. Learned counsel for the petitioner submits that the case attracts commission of various offences including one that of SC/ST Act and hence, transfer of investigation to any other competent authority is absolutely necessary.

3. Heard the learned Government Advocate (Crl.side) for the respondents and the submissions made by the learned counsel for the petitioner.

4. From the averments made in the complaint, this Court is of the view that the commission of offences does not attract the provisions of SC/ST Act as contended by the learned counsel for the petitioner and hence, I do not find any reason to transfer the case. However, since the case is pending from the year 2009, I hereby direct the Commissioner of Police to entrust the case for investigation not below the rank of Deputy Superintendent of Police and the Deputy Superintendent of Police can also investigate the case and file a report, as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is also closed.
smi

s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Commissioner of Police,
Suburban Chennai, St. Thomas Mount, Chennai - 16.
 2. The Inspector of Police, Pallavaram Police Station, Chennai-43.
 3. The Inspector General of Police, Crime Branch - CID,
Government Estate, Anna Salai, Chennai - 2.
 4. The Public Prosecutor, High Court, Madras.
- + 1 cc o Mr. P. Vijendran, Advocate SR 8320

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