

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP.No.22305 of 2016

Shanmugam ... Petitioner
Vs

State rep. by
The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai - 600 026. ... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to file the Final Report in Crime No. 817/2008 dated 04.06.2008 pending on the file of the Inspector of Police, K.K.Nagar Police Station, Chennai.

For Petitioner : Mr.K.R.Ramesh Kumar

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

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent police to file a final report in Crime No. 817 of 2008 dated 04.06.2008 pending on the file of the Inspector of Police, K.K.Nagar Police Station, Chennai.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On the complaint lodged by the petitioner, the Sub Inspector of Police, R-8, Vadapalani Police Station, Chennai registered a case in Cr.No.817 of 2008 on 04.06.2008 for the offences u/s 406, 417, 420, 423 r/w Section 34 IPC against one S.Kumar and S.Gurumoorthi. It is the grievance of M.Sundaramoorthy (de facto complainant) that from the year 2008 to 2016, the police have not conducted any investigation.

4. Today, when the matter was taken up for hearing, learned Additional Public Prosecutor submitted that earlier M.Sundaramoorthy had given a complaint to the Central Crime Branch and the case in X.Cr.No.593 of 1999 was registered against one M.C.Kalai Thangam and after completing the investigation, the Central Crime Branch filed a final report

in C.C.No.7225 of 2004 before the XI Metropolitan Magistrate, Saidapet, Chennai-600 015 and after trial, the said M.C.Kalai Thangam was convicted on 19.08.2013.

5. The learned Additional Public Prosecutor further submitted that the facts of this case have a bearing on the case in X.Cr.No.593 of 1999, which was strongly refuted by the learned counsel for the de facto complainant.

6. Be that as it may, the fact remains that from the year 2008 to 2016, the respondent police have made no progress in the investigation and therefore, this Court is of the view that it would serve the interest of justice, if the case is transferred to Central Crime Branch.

7. Accordingly, this Court directs the Inspector of Police, R-8, Vadapalani Police Station to transfer the entire case diary in Cr.No.817 of 2008 to the Deputy Commissioner of Police, Central Crime Branch, within four weeks from the date of receipt of a copy of this order. Thereafter, the Deputy Commissioner of Police, Central Crime Branch is directed to assign the case to an officer of the rank of The Inspector of Police in the Central Crime Branch, for investigation. The Investigating Officer may also peruse the case diary in X.Cr.No.593 of 1999 and bearing in mind the facts found therein, proceed with the investigation and either file a charge sheet or closure report, as the case may be as expeditiously as possible, under due intimation to the petitioner / de facto complainant.

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

Sd/-

Asst.Registrar (CS III)

/true copy/ जयते

Sub Asst. Registrar

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To

1. The Deputy Commissioner of Police
Central Crime Branch,
Chennai

2. The Inspector of Police,
R-8, Vadapalani Police Station,
Chennai - 600 026.

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3.The Public Prosecutor,
High Court, Chennai.

1 cc to Mr.K.R. Ramesh Kumar, Advocate, Sr. 61076

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