

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.11.2016
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Crl.OP.No.23862 of 2016

V.Revathi
Vs
The State rep. by
The Inspector of Police,
J-9, Duraipakkam Police Station,
Chennai.
... Petitioner
... Respondent

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent police to take immediate action and to complete the investigation in Crime No.1125 of 2006 and file a final report before the concerned Judicial Magistrate within the time stipulated by this Honourable Court.

For Petitioner : Mr.A.Mohamed Ismail

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

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent police to take immediate action and complete the investigation in Crime No.1125 of 2006 and file a final report before the concerned Judicial Magistrate.

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

3. On the complaint lodged by Revathi, the respondent police registered a case in Cr.No.1125 of 2006 on 19.11.2006, u/s 468, 471, 420 and 120(b) of IPC against one Murugan and 3 others. Since there has not been any progress in the investigation, the petitioner/de facto complainant is before this Court, seeking a direction to the respondent police to complete the investigation.

4. Today, Mr.A.Arokiaraj, Inspector of Police, J-9, Thuraipakkam, Chennai, is present.

5. On instructions, learned Additional Public Prosecutor submitted that the property in question belongs to one Chitra Saranath, who is living in the U.S. She has given Power of Attorney to Revathi, the petitioner herein, on the strength of which, Revathi has lodged a complaint, based on which, FIR has

been registered.

6. The allegation in the complaint is that the property in question, measuring 2,400 Sq.ft., belongs to Chitra Saranath and now, Chitra Saranath is abroad. Taking advantage of that, the accused have created false documents by impersonating her.

7. Learned Additional Public Prosecutor submitted that at present, both Chitra Saranath and Revathi are abroad and therefore, the police were not able to proceed further with the investigation. He also suggested that in a case of this nature, it will be in the fitness of things if the investigation is conducted by the Central Crime Branch, which is a specialised agency and not the local police. There appears to be sufficient force in the submission of the learned Additional Public Prosecutor.

8. However, when both Chitra Saranath and Revathi are not available for enquiry, it will be a futile exercise to transfer this case to the Central Crime Branch, at this juncture. Therefore, this Court directs the de facto complainant to appear before the Investigating Officer and co-operate in the enquiry and during the course of enquiry, if the Investigating Officer is satisfied that there has been impersonation and cheating, he may make a request to the Deputy Commissioner of Police for transferring the case to the Central Crime Branch to continue the investigation. The respondent is directed to expeditiously conduct the investigation.

With the above directions, the Criminal Original Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

kmi

To

1. The Deputy Commissioner of Police
Adyar

2. The Inspector of Police,
J-9, Duraipakkam Police Station,
Chennai.

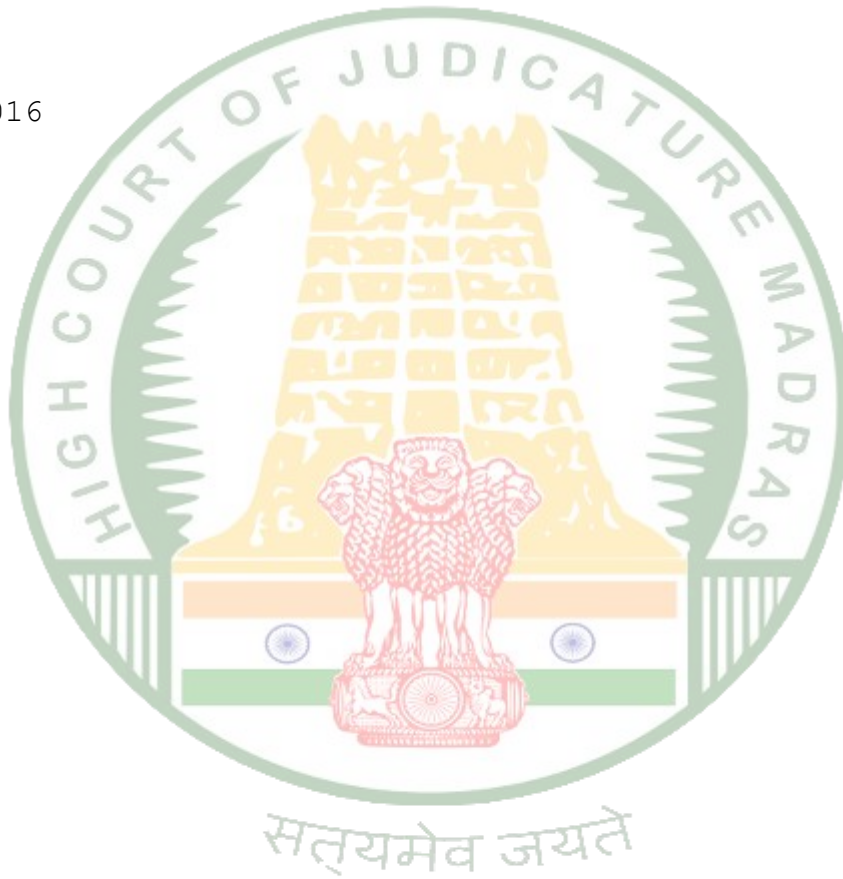
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3. The Public Prosecutor,
High Court, Chennai.

+1 cc to Mr.A.Mohammed Ismail Advocate sr 63846

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