

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.4402 of 2016

P.Jayamadha ... Petitioner/De facto complainant

... Vs ...

The State

Represented by its,
The Inspector of Police,
District Crime Branch,
Kanchipuram District - 603 209.
Crime No.47 of 2011.

.. Respondent/Complainant

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer the investigation pending on the file of the respondent in Crime No.47 of 2011 to CBI Agency.

For Petitioner : Mr.P.G.Perumal Pandian
For Respondent : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition under Section 482 of Code of Criminal Procedure, seeking for transferring the investigation pending on the file of the respondent in Crime No.47 of 2011 to CBI Agency.

2. The learned counsel for the petitioner would submit that the petitioner has given a complaint dated 23.03.2010 to D.6, Maraimalai Nagar Police Station, but the police declined to register a case and hence, the petitioner has approached this Court by filing a petition in Crl.O.P.No.9150 of 2011. At the time of hearing the said petition, it was represented by the learned Additional Public Prosecutor that case has been registered by the Maraimalai Nagar Police in Crime No.377 of 2011 under Section 420 IPC and the said case in Crime No.377 of 2011 was transferred to the respondent police in Crime No.47 of 2011. But the respondent police has not shown any interest to

investigate the matter and file final report and hence, the petitioner has filed another petition in CrI.O.P.No.28864 of 2012 seeking for a direction to the respondent police to file the final report in Crime No.47 of 2011 and this Court had disposed of the said petition on 26.11.2012, directing the respondent police to investigate the matter, in accordance with law, and to file a final report, within a period of four months from the date of receipt of a copy of that order. The learned counsel for the petitioner further submitted that even though the order has been passed on 26.11.2012, the respondent police has not shown any interest to investigate the matter and file a final report and hence, the petitioner has come up with the present petition for the relief as stated above.

3. At this juncture, the learned Additional Public Prosecutor filed counter stating that based on the complaint given by the petitioner, a case was registered by the Maraimalai Nagar Police, in Crime No.377 of 2011 u/s. 420 IPC and the same was transferred through the Superintendent of Police to the District Crime Branch and a case was registered in DCB Crime No.47/2011 u/s.420 IPC Kanchipuram Vide Ref.No.G1/17836/2011, on 17.06.2011 at about 16.45 hours by Tr.Babu, then Sub-Inspector of Police. It is submitted by the learned Additional Public Prosecutor that even though the case was transferred to the respondent police, the prosecution examined so many witnesses and now, the investigation is going on and hence, he prayed for dismissal of the petition.

4. This Court has considered the rival submissions made on both sides and perused the typed set of papers.

5. Merely because the investigation has not been completed within the time stipulated by this Court, it is not a reason to transfer the investigation in Crime No.47 of 2011. But however in the order dated 26.11.2012, this Court has given a direction to the respondent to investigate the matter, in accordance with law, and to file a final report, within a period of four months from the date of receipt of a copy of that order. But the respondent police kept quiet and he has not investigated the matter.

6. Hence, I am of the view that it is a fit case for giving a direction to the Deputy Superintendent of Police, District Crime Branch, Kanchipuram, to investigate the matter. Accordingly, the Deputy Superintendent of Police, District Crime Branch, Kanchipuram, is directed to investigate the case in Crime No.47 of 2011 and file a final report within a period of two months from the date of receipt of a copy of this order. The respondent is directed to hand over the papers in Crime No.47 of 2011 to the Deputy Superintendent of Police, District Crime Branch, Kanchipuram, forthwith.

7. With the above directions, this Criminal Original
Petition is disposed of.

Jrl

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Superintendent of Police,
District Crime Branch, Kanchipuram.

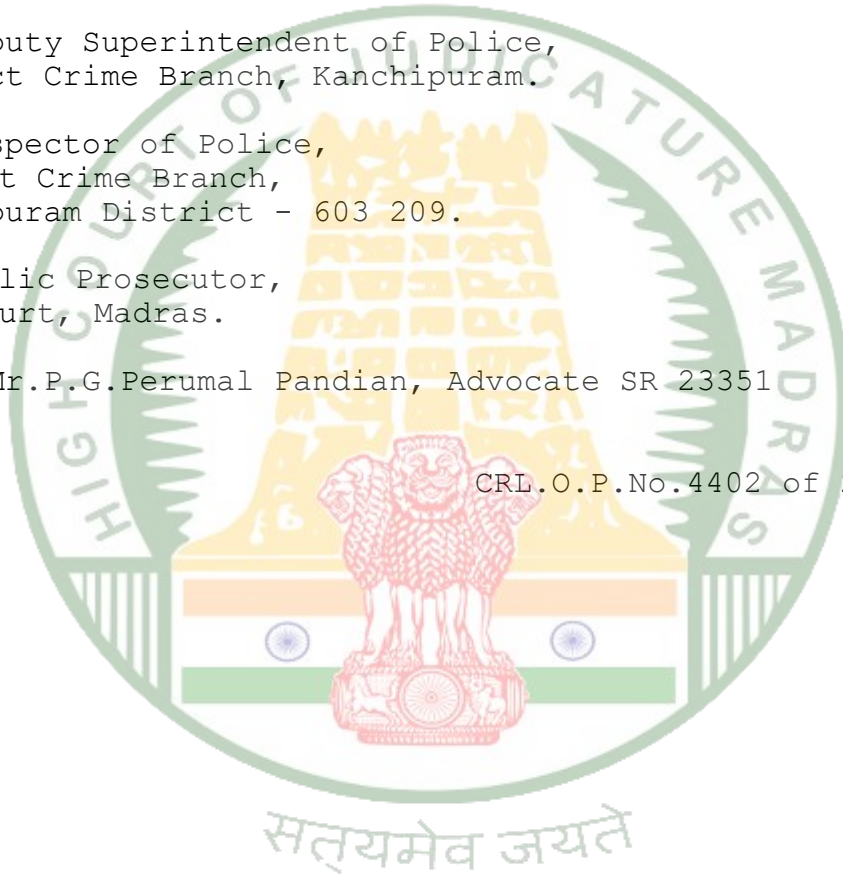
2. The Inspector of Police,
District Crime Branch,
Kanchipuram District - 603 209.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr. P.G. Perumal Pandian, Advocate SR 23351

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