

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.822 of 2016

J.R.Saravanan ... Petitioner/Defacto Complainant

Vs

State by:

The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

... Respondent /Complainant

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation from the respondent police investigation officer to other investigation officer for investigate of the above Crime No.426 of 2015 on the file of the respondent police.

For Petitioner : Mr.P.M.Jayachandran

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

ORDER

The present criminal original petition has been filed seeking to transfer the investigation of the case in Crime No.426 of 2015 pending on the file of the respondent police to some other investigating officer.

2. It is the case of the petitioner that on 27.9.2012, he entered into an agreement of sale with one Chokanadhan and Munusamy and paid an advance of Rs.15,00,000/-. Though the petitioner is ready and willing to perform his part of the contract, the said Chokanadhan and Munusamy failed to execute the sale deed in his favour. Further, they have not repaid the advance amount and threatened the petitioner with rowdy elements. Hence, the petitioner lodged a complaint with the respondent police and on enquiry, the said accused persons agreed to settle the amount. Thereafter, one Saminathan and his sons obtained a sum of Rs.12,50,000/- from the petitioner as loan. After 15 days, when the petitioner demanded them to repay the amount, they have also cheated the petitioner and threatened him. Hence, the petitioner made a complaint against them before

the respondent police. But, the respondent police refused to register a case. Therefore, the petitioner filed a direction petition before the learned Judicial Magistrate No.I, Krishnagiri under Section 156(3) Cr.P.C. and the learned Magistrate directed the respondent to register a case. As per the said direction, a case was registered in Crime No.426 of 2015 under Sections 417 and 420 I.P.C. Even thereafter, the respondent police did not investigate the case properly and is trying to close the same as mistake of fact. Hence, the petitioner has come up with the present petition to transfer the said case to some other investigating officer.

3. I have heard the learned Additional Public Prosecutor.

4. The only reason assigned by the petitioner for transfer of the case is that the respondent police is lethargic in conducting the investigation. In my considered opinion, the said reason is not sufficient enough to transfer the investigation from the file of respondent police to some other investigating officer. However, this Court is of the opinion that an appropriate direction could be given to the respondent police to expedite the investigation. Hence, the respondent police is directed to expedite the investigation in Crime No.426 of 2015 pending on his file and file final report as expeditiously as possible. The criminal original petition is ordered accordingly.

Sd/-
Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

sbi
To

1.The Inspector of Police,
Krishnagiri Town Police Station,
Krishnagiri District.

2.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.P.M.Jayachandran, Advocate, sr.2671

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