

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.856 of 2016

S.Rajendran

..Petitioner

Vs

1.The State, rep by
The Superintendent of Police
Namakkal
Namakkal District.

2.The Deputy Superintendent of Police
Namakkal
Namakkal District.

3.The Inspector of Police
Law and Order
Namakkal Town Police Station
Namakkal District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 1st respondent to transfer the investigation in Cr.No.1086 of 2013 on the file of Namakkal Town Police Station, the 3rd respondent herein to the file of Deputy Superintendent of Police, CBCID, Namakkal or to some other impartial agency to do a thorough investigation and to complete the same as early as possible.

For Petitioner : Mr.C.Venkatesan

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

O R D E R

This petition has been filed to direct the 1st respondent to transfer the investigation in Cr.No.1086 of 2013 on the file of Namakkal Town Police Station, the 3rd respondent herein to the file of Deputy Superintendent of Police, CBCID, Namakkal or to some other impartial agency to do a thorough investigation and to complete the same as early as possible.

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

3. It is seen that on the complaint given by the petitioner, a case in Cr.No.1086 of 2013 for offences u/s 120-B, 446, 454, 395, 468, 471 and 506(i) IPC has been registered by the respondent police and after completing the investigation, have filed a Final Report on 11.12.2013 before the Judicial Magistrate - I, Namakkal, after service of RCS notice on the petitioner. Instead of filing protest application, the petitioner has come up with this petition for a direction to transfer the investigation to the CB CID for re-investigation.

4. It is seen that this petitioner is the stepson of Lakshmiammal, who is a septuagenarian and that she has taken Rs.3 lakhs from the petitioner and had permitted the petitioner to run a photo studio in the name and style of "Singapore Photo Studio". While so, it is alleged by the petitioner that the said Lakshmiammal had sold away the properties in the photo studio illegally.

5. This Court perused the complaint and the closure report filed by the police. The police have given cogent reasons for closing the case especially in the light of the fact that it is a dispute between stepmother and stepson. This Court does not find any infirmity in the closure report for ordering further investigation.

6. Learned counsel for the petitioner relied upon the judgment of the Supreme Court in V.K.Mishra and another v. State of Uttarakhand and another [(2015) 9 SCC 588] and submitted that the 161 Cr.P.C. statement recorded by the police does not reflect the true acts and it has been distorted. The said judgment is not of any use to the petitioner, because it is a case where the accused were convicted in a regular trial and the Supreme Court was dealing such a case. On the contrary, in this case, the respondents have conducted fair investigation and this petitioner having missed the bus to file a protest application before the concerned Court, cannot seek to re-open the investigation, via this petition. Hence, this petition is devoid of merits and the same stands dismissed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Superintendent of Police
Namakkal,Namakkal District.

2.The Deputy Superintendent of Police
Namakkal,Namakkal District.

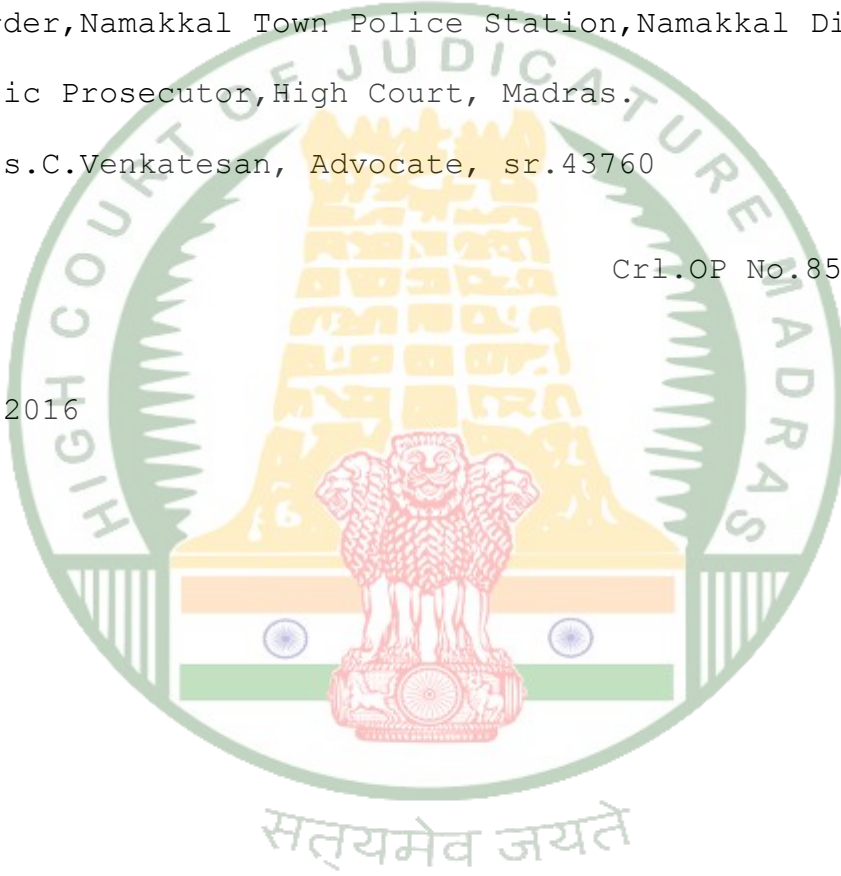
3.The Inspector of Police
Law and Order,Namakkal Town Police Station,Namakkal District.

4.The Public Prosecutor,High Court, Madras.

1 cc to M/s.C.Venkatesan, Advocate, sr.43760

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