

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.10.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Cr1.O.P.No.4980 of 2017

D.Viswanathan

.. Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Tiruvannamalai,
Tiruvannamalai District.

2.The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent to transfer the investigation of the complaint dated 26.10.2016, which is pending with the second respondent to some other investigation agency especially C.B.C.I.D. Or any other independent investigation agency and to file final report within the stipulated time as fixed by this Court.

For Petitioner : Mr.S.Kumara Devan

For Respondents: Mr.P.Govindarajan

Additional Public Prosecutor

ORDER

The prayer sought for in the present petition is to direct the first respondent to transfer the investigation of the petitioner's complaint dated 26.10.2016, pending on the file of the second respondent to some other investigation agency especially, C.B.C.I.D., or any other independent investigation agency and to file a final report.

2.Heard Mr.S.Kumara Devan, learned counsel for the petitioner as well as Mr.P.Govindarajan, learned Additional Public Prosecutor appearing on behalf of the respondents.

3.Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that final

report has been filed on 13.01.2017 and the complaint of the petitioner dated 26.10.2016 has been closed as "mistake of fact".

4.The learned counsel for the petitioner submits that the closure of the complaint is improper, since cognizable offence has been clearly made out.

5.On a perusal of the petitioner's complaint dated 26.10.2016, it is seen that serious allegations have been made against persons of having cheated the petitioner by impersonating and had taken away a sum of Rs.22 lakhs along with the mobile phones. The averments clearly make out a cognizable offence. In view of the same, it would be appropriate for the respondent police to conduct further investigation on the petitioner's complaint dated 26.10.2016.

6.In the result, there shall be a direction to the second respondent to conduct further investigation into the averments made by the petitioner in his complaint dated 26.10.2016 and in case, the second respondent comes to the conclusion that cognizable offence has been made out, he shall forthwith register a case and file final report as expeditiously as possible. The further enquiry/investigation to be conducted by the second respondent shall be monitored by the first respondent.

7.With the above observations and direction, the Criminal Original Petition stands disposed of.

Assistant Registrar

Dt.8.11.17

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
O/o.Superintendent of Police,
Tiruvannamalai, Tiruvannamalai District.

2.The Inspector of Police,
Tiruvannamalai East Police Station,
Tiruvannamalai District.

3.The Public Prosecutor,High Court, Madras.

+1 cc to Mr.S.Kumaradevan, advocate,sr.72505.

Krd 20/11

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