



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CRL.O.P. (MD) No.2784 of 2017

and

CrI.M.P. (MD) No.2124 of 2017

WEB COPY

1.Rani
2.Pandi
4.Ganeshan
4.Deivam
5.Prabhakaran
6.Prakash
7.Vijaya

: Petitioners/Petitioners

-Vs-

1.State:

rep. by Inspector of Police,
Chekkanoorani Police Station,
Madurai District.

(Crime No.383 of 2016).

:1st Respondent /Complainant

2.D.Amutha

:2nd Respondent/Defacto complainant

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to call for the records relating to Crime No.383 of 2016, dated 08.09.2016 on the file of the Inspector of Police, Chekkanoorani Police Station, Madurai District and quash the same as against the petitioners.

For Petitioners

: Mr.R.G.Shankar Ganesh

For Respondent No.1

: Mr.A.P.Balasubramani,

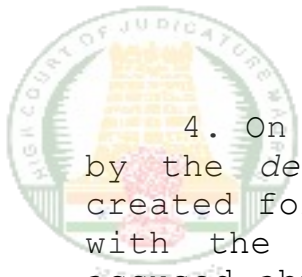
Government Advocate (Crl.side)

ORDER

On the complaint lodged by Amutha, the respondent police has registered a case in Crime No.383 of 2016, under Sections 147, 294 (b), 506(2) and 420 of the Indian Penal Code against the petitioners herein, challenging which, the accused are before this Court.

2. Heard Mr.R.G.Shankar Ganesh, learned counsel for the petitioners and Mr.A.P.Balasubramani, learned Government Advocate (Criminal side) appearing for the first respondent.

3. Today, Mr.Ayyar, Sub-Inspector of Police, Chekkanoorani Police Station, is present in Court.



4. On a reading of the First Information Report, it is alleged by the *defacto* complainant that the accused in this case have created forged documents in respect of her property and have dealt with the same. She has also alleged that on 05.09.2016, the accused abused her and threatened her. Therefore, the local police has registered a First Information Report for the aforesaid offences.

5. The learned counsel for the accused submitted that it is actually the *defacto* complainant who has forged and created a Will in the name of Dayalan and his brothers, Gunasekaran and David Raja. The learned counsel for the accused further submitted that there are civil suits pending between the parties before the learned District Munsif, Thirumangalam and patta transfer proceedings has also been pending before the District Revenue Officer concerned.

6. Since there are *prima facie* materials, the First Information Report cannot be quashed. However, since there are allegations relating to Section 420 of the Indian Penal Code, this Court is of the view that the local police will not be in a position to effectively investigate such offences. Therefore, this Court transfers the investigation in Chekkanoorani Police Station Crime No.383 of 2016 to the District Crime Branch, Madurai District. The Inspector of Police, Chekkanoorani Police Station, is directed to hand over the entire CD file in Crime No.383 of 2016 to the District Crime Branch, Madurai District, who shall investigate the case from all angles and if it is found that the petitioners/accused have been falsely implicated, further action against them should be dropped.

7. This Criminal Original Petition is disposed of with the above direction. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Chekkanoorani Police Station,
Madurai District.
- 2.The Officer Incharge,
The District Crime Branch, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.R.G.SHANKAR GANESH Advocate in SR. No.16414

SML

JS/MR/3/04/2017/2P-5C

Order made in

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