



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

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WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.3191 of 2017

and Crl.M.P.No. 2425 of 2017

Samuvel Durairaj

... Petitioner

-vs-

1.The Sub Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District

2.Isravel Rajsingh

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records pertaining to the above FIR in Crime No.387/2015 on the file of the first respondent police and quash the same.

For Petitioner : Mr.A.R.Kannappan

For Respondents : Mr.A.P.Balasubramani for R1
Govt. Advocate (Crl.Side)

ORDER

On the complaint lodged by the 2nd respondent, the first respondent registered a case in Crime No.387/2015 on 05.11.2015 under Section 420 IPC and against Prince Rajkumar and two others including the petitioner herein, who has been arrayed as A2. Challenging the FIR, the petitioner (A2) is before this Court with this petition.

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the 1st respondent.

On a reading of the FIR, it is alleged by the 2nd respondent that he is a relative of the petitioner herein and that the petitioners son, Prince Rajkumar had taken the jewels of the de-facto complainant and pledged the same with IIFL Bank, Pavoorchathiram by forging the signature of the de-facto complainant.



It is the contention of the learned counsel for the petitioner that the allegations are mainly against A1 and there are no allegations against the petitioner.

The FIR is not an Encyclopaedia of the prosecution case. The allegations that the signature of the de-facto complainant has been forged and his jewels have been repledged with IIFL Bank is indeed very serious.

In the considered opinion of this court, the first respondent police, who mainly deal with the law and order problems may not be in a position to conduct a thorough investigation in this case. Therefore, this Court directs the transfer of investigation in Pavoorchathiram Police Station Crime No.387/2015 to the District Crime Branch, Tirunelveli. During investigation by the District Crime Branch, if it is found that the petitioner is innocent, it is needless to state that the prosecution against him will be dropped. The Inspector of Police, Pavoorchathiram Police Station, is directed to hand over the case diary in Crime No.387/2015 through the Superintendent of Police, Tirunelveli to the District Crime Branch, Tirunelveli within two weeks from the date of receipt of a copy of this order.

With the above direction, this criminal original petition is closed. Consequently connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR(CS-III)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

- 1.The Sub Inspector of Police,
Pavoorchathiram Police Station,
Tirunelveli District
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

- i.The Superintendent of Police, District Crime Branch,
Tirunelveli ;
- ii.The Inspector of Police, Pavoorchathiram Police Station.

+1 CC TO MR.A.R.KANNAPPAN,ADVOCATE,SR NO.16549

RR
MAS/SV-MMS/SAR3:10.04.2017:2P-6C