



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

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THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.O.P.(MD) No.3785 of 2017

WEB COPY

M.Swamidas

... Petitioner/1st Informant

-vs-

1. State by
The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal. ... 1st Respondent/Complainant
2. The Superintendent of Police,
Dindigul District,
Dindigul-624 004.
3. The Additional Director General of Police,
Crime Branch CID,
(Old Commissioner Office Road)
Egmore, Chennai-600 008. ... 2nd & 3rd Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to transfer the investigation pending on the file of Inspector of Police, Kodaikanal Police Station, Kodaikanal in Crime No.26 of 2010 to the 3rd Respondent (viz.) Additional Director General of Police, Crime Branch CID, Egmore, Chennai.

For Petitioner : Mr.K.R.Ramesh Kumar
For Respondents : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)

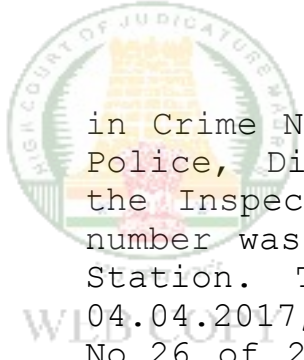
O R D E R

This petition has been filed to transfer the investigation of the case in Crime No.26 of 2010 pending on the file of Inspector of Police, Kodaikanal Police Station, Kodaikanal to the 3rd Respondent, viz., Additional Director General of Police, Crime Branch CID, Egmore, Chennai.

2. On 14.06.2017, this Court passed the following order:

"Pursuant to the direction of this Court on 05.06.2017, Mr.Saravanan, Superintendent of Police, Dindigul District and Mr.Muruganantham, Inspector of Police, Kodaikanal Police Station are present today.

<https://hcservices.ecourt2gov.in/TheServices/> seen that initially on the complaint given by the petitioner, the District Crime Branch, Dindigul, registered a case



in Crime No.26 of 2010 and on the orders of the Superintendent of Police, Dindigul, dated 23.05.2010, the case was transferred to the Inspector of Police, Kodaikanal Police Station. No new crime number was assigned by the Inspector of Police, Kodaikanal Police Station. Therefore, when this matter came up for hearing on 04.04.2017, the learned Government Advocate submitted that Crime No.26 of 2010 relates to an offence under Section 75 of the City Police Act and not the present case. On account of these confusions, this Court had directed the Superintendent of Police, Dindigul, to be present here.

3. On instructions, the learned Government Advocate submitted that the case in Crime No.26 of 2010 was transferred to the Inspector of Police, Kodaikanal Police Station and it was not re-numbered immediately. That is why on 04.04.2017, it was represented that crime No.26 of 2010 relates to a case under Section 75 of the City Police Act. Now the air has been cleared and the case is re-registered as Kodaikanal Police Station Crime No.200 of 2017 and investigation has been taken up by the Inspector of Police, Kodaikanal Police Station.

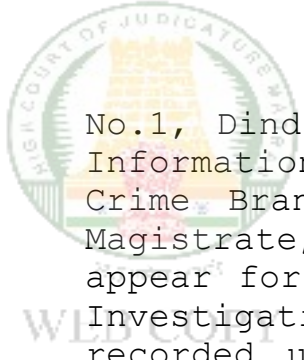
4. In view of the above, the Inspector of Police, Kodaikanal Police Station, is directed to conduct investigation in Crime No.200 of 2017 (Old Crime No.26/2010) under the supervision of Superintendent of Police, Dindigul District and file a status report before this Court on 28.06.2017.

5. The presence of the Superintendent of Police, Dindigul District is dispensed with.

3. Mr.T.Suba Kumar, Inspector of Police, i/c of Kodaikanal Police Station is present. Mr.P.Muruganandam, Inspector of Police, Kodaikanal Police Station has filed a counter affidavit, wherein he has stated as follows:

"4. It is respectfully submitted that no investigation appears to have been pursued in the case and the said fact came to light only on receiving the information sought for by the petitioner under the Right to Information Act. Hectic search was made to locate the file. When enquired at the District Crime Branch, Dindigul, it was informed that the CD file has been sent to Kodaikanal Police Station on 23.05.2010 itself. Hence intense search was made in the Kodaikanal Police Station and with great effort, the file could be located on 05.06.2017.

5. It is respectfully submitted that on locating file, immediate investigation was taken up on 05.06.2017 and a new crime number viz. 200/2017 under Sections 120(b), 406, 408, 409, 465, 468, 471 IPC on the file of Kodaikanal Police Station was assigned to S.I. Vasanthi, Janakiraman, Manoharan, Arumugam and Abbas as accused and investigation was commenced right earnestly. A detailed report was submitted to the learned Judicial Magistrate



No.1, Dindigul on 10.06.2017 with a request to transfer the First Information Report in Crime No.26/2010 on the file of the District Crime Branch, Dindigul with complaint to the learned Judicial Magistrate, Kodaikanal. The defacto complainant was summoned to appear for enquiry with connected records. He appeared before the Investigation Officer on 17.06.2017 and his statement were recorded under Section 161(3) Cr.P.C. The present Tahsildar was requested to provide documents relating to S.Nos.1008/5 of Vilpatti Village dated 06.06.2017. He was also examined on 14.06.2017 and his statement recorded under Section 161(3) of the Code. The Sub Registrar, Kodaikanal was requested to produce certified copies of documents No.1559/1996, 885/2001 and 885/2001 and the encumbrance certificate relating to S.Nos.1008/5 and 5A1 of Vilpatti Village. He produced certified copies of the above documents on 12.06.2017 and he was also examined and his statement recorded under Section 161(3) of the Code. Tvl.Vasanthi, Janakiraman and Arumugam, the Village Administrative Officer were directed to appear for enquiry with documents within two days by notice dated 17.06.2017. The Tahsildar, Kodaikanal was requested to furnish details relating to the documents submitted by Vasanthi vide Roc.No.3390/2002/A dated 09.07.2002 and further the present whereabouts of Thiru Manoharan and Thiru Abbas by letter dated 17.06.2017.

6. It is respectfully submitted that the investigation is going on right direction under the guidance of the Superintendent of Police, Dindigul and soon it will be completed and final report filed before the learned Judicial Magistrate, Kodaikanal."

4. In view of the above, this petition is closed with further direction to the Superintendent of Police, Dindigul District to monitor the investigation in Crime No.200 of 2017 that is being conducted by the Inspector of Police, Kodaikanal Police Station and complete the investigation expeditiously.

Sd /-

ASSISTANT REGISTRAR(RTI)

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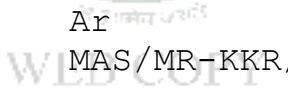
SUB ASSISTANT REGISTRAR

To:

1. The Inspector of Police,
Kodaikanal Police Station,
Kodaikanal.
2. The Superintendent of Police,
Dindigul District,
Dindigul-624 004.
3. The Additional Director General of Police,
Criminal Branch CID,
(Old Commissioner Office Road)
Egmore, Chennai-600 008.



4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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MAS/MR-KKR/SAR2:06.07.2017:4P-5C

Cr1.O.P. (MD) No.3785 of 2017
28.06.2017