

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:27.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.21516 of 2018

V.Raman

: Petitioner / De-facto Complainant

Vs.

State by

1.The Deputy Commissioner of Police,
City Crime Branch,
Veppery,
Chennai.

2.The Inspector of Police,
CCB, Team-2,
Veppery,
Chennai.

(Crime No.422 of 2014)

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to issue directions, directing the first respondent to transfer the investigation in Crime No.422 of 2014 on the file of the Inspector of Police, CCB Team-2, Veppery, Chennai to the Inspector of Police, CBCID, Egmore, Chennai-600 008 by reopening the investigation.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

सत्यमेव जयते
ORDER

This petition has been filed seeking for transfer of investigation in Crime No.422 of 2014, pending on the file of the Inspector of Police, CCB Team-2, Veppery, Chennai.

2.The petitioner had given a complaint against one Prabhakaran on the ground that the said person had cheated him by not repaying back a sum of Rs.67,00,000/- taken by him from the petitioner. The case was investigated and a closure report was filed as mistake of fact before the learned XI Metropolitan Magistrate, Saidapet, Chennai-15. The petitioner filed a protest petition.

3.Considering the facts and circumstances of the case, the learned XI Metropolitan Magistrate, Saidapet by an order dated 04.02.2017 directed further investigation to be conducted in the case.

4.Thereafter the Inspector of Police, Central Crime Branch, EDF-I, Team-2 was nominated to take up further investigation. The said Police has taken a statements from the witnesses and has investigated the case and has referred the case as civil in nature and filed a final report before the Special Court for CCB and CBCID, Allikulam, Chennai on 01.09.2018. The RC notice was also served on the petitioner on 27.08.2018.

5.The learned Additional Public Prosecutor would submit that in view of the above development, there is no question of transferring the investigation at this stage and the petitioner has to work out his remedy only before the Court below where the closure report has been filed, by filing a protest petition.

6.The learned counsel would submit that a old man, who is almost aged 70 years is being made to run from pillar to post and a person who cheated him to the extent of Rs.67,00,000/- is left scot free.

7.This Court has considered the submissions made on either side and also the status report filed by the Deputy Commissioner of Police, Central Crime Branch-II, Vepery, Chennai.

8.This Court is not inclined to transfer the investigation at this stage. However, liberty is given to the petitioner to file a protest petition before the Special Court for CCB and CBCID, Allikulam, Chennai, wherein, the Inspector of Police, Central Crime Branch, EDB-I, Team-2 has already filed a closure report on 01.09.2018 and work out his remedy in accordance with law.

9.This Criminal Original Petition is disposed of, with the above directions.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

vsg1/ia

To

1.The Deputy Commissioner of Police,
City Crime Branch,
Veppery,
Chennai.

2.The Inspector of Police,
CCB, Team-2,
Veppery,
Chennai.

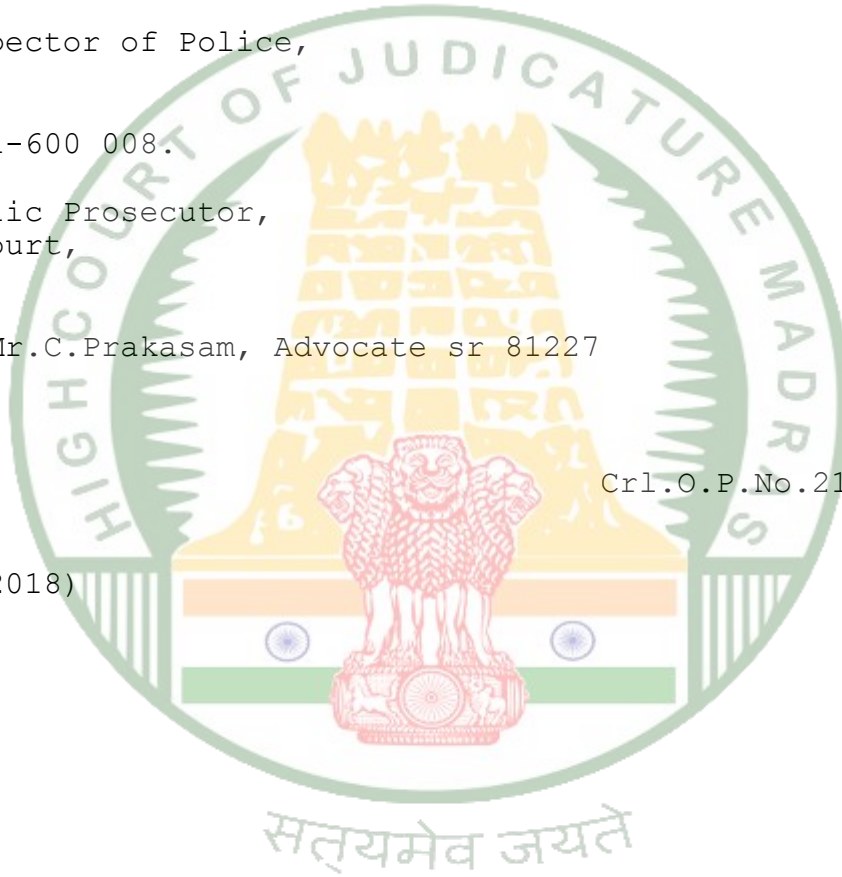
3.The Inspector of Police,
CBCID,
Egmore,
Chennai-600 008.

4.The Public Prosecutor,
High Court,
Madras.

+1 CC to Mr.C.Prakasam, Advocate sr 81227

Crl.O.P.No.21516 of 2018

MG(CO)
SP(07/12/2018)



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