

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:05.04.2018

CORAM:

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

Crl.O.P. No.30576 of 2015 & M.P. No.1 of 2015

1 S. Vijayalakshmi
2 B. Thiagarajan Petitioners

vs.

1 State represented by
the Inspector of Police
C2-Elephant Gate Police Station
Chennai
2 Parasmal H. Jain Respondents

Criminal Original Petition filed under Section 482, Cr.P.C.
seeking to call for the records and quash the FIR in Crime
No.175 of 2012 on the file of the respondent police.

For petitioners:Mr. K. Kannan

For R1 :Mrs. Kritika Kamal, P.
Government Advocate (Crl. Side)

For R2 :Mr. G. Shiva Surya

ORDER

This Criminal Original Petition has been preferred seeking
to call for the records and quash the FIR in Crime No.175 of
2012 on the file of the first respondent police.

2 On the complaint lodged by the second respondent, the
first respondent police registered a case in Cr. No.175 of 2012
on 27.01.2012 under Sections 420 and 506(ii) IPC against
Vijayalakshmi (A1) and her son Thiagarajan (A2), for quashing
which, the accused are before this Court.

3 Heard Mr. Kannan, learned counsel for the petitioners,
Mrs.Kritika Kamal, learned Government Advocate (Crl. Side) for
the first respondent-State and Mr. G. Shiva Surya, learned
counsel for the second respondent/de facto complainant.

4 When this matter was taken up for hearing on 03.04.2018, Mr.Kannan, learned counsel for the petitioners submitted that the petitioners and the de facto complainant have arrived at a compromise and therefore, the F.I.R. requires to be quashed. Hence, this Court directed the police to produce the second respondent/de facto complainant before this Court.

5 Today, the police have produced Parasmal H. Jain, the second respondent/de facto complainant before this Court and he is represented by Mr. G. Shiva Surya, learned counsel.

6 On instructions, Mr. G. Shiva Surya, learned counsel for the second respondent/de facto complainant submitted that the de facto complainant has not arrived at any compromise with the petitioners and that in fact, he has objections for quashing the F.I.R.

7 On a reading of the F.I.R., it is seen that the de facto complainant has alleged therein that a mortgaged property was sold by the petitioners to him vide sale deed dated 03.02.2011, under which, the petitioners had agreed to settle the tenants in the building, for which, they had taken money from the de facto complainant, whereas, after having taken money from the de facto complainant, they have not disbursed money to the tenants and thereby, cheated the de facto complainant.

8 Though the F.I.R. in this case was registered in 2012, the first respondent police have not done any investigation so far. In the opinion of this Court, the first respondent police, which is essentially a law and order police station, may not have the required competence to investigate a case of this nature.

9 Therefore, this Court orders transfer of the investigation in C-2 Elephant Gate Police Station Cr. No.175 of 2012 to the file of the Central Crime Branch, Vepery, Chennai. The Inspector of Police, C-2 Elephant Gate Police Station, is directed to hand over the CD file in Cr. No.175 of 2012 to the Deputy Commissioner of Police, Central Crime Branch, Vepery, Chennai, within a period of two weeks from the date of receipt of a copy of this order. The Deputy Commissioner of Police, Central Crime Branch, Vepery, Chennai, is directed to assign the investigation to a competent officer, who shall complete the investigation within a period of six months and either file a charge sheet or closure report, as the case may be, under intimation to the de facto complainant.

With the above directions, this Criminal Original Petition stands disposed of. Connected M.P. is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1 The Inspector of Police
C2-Elephant Gate Police Station
Chennai
- 2 The Deputy Commissioner of Police
Central Crime Branch
Vepery
Chennai
- 3 The Public Prosecutor
Madras High Court
Chennai - 600 104

+1cc to Mr.K.Kannan, Advocate Sr.No.25437

+1cc to Mr.G.Ashok Kumar, Advocate Sr.No.25714

KK(CO)

sm:17.4.2018

Cr1.O.P. No.30576 of 2015

सत्यमेव जयते

WEB COPY