

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.12588 of 2018

Mr.Deivassagayame Pierre Rasasundaram

...Petitioner

Vs.

1. The Director General of Police,
Office of the Director General of Police,
Puducherry Police Department,
No.4, Dumas Street,
Puducherry.
2. The Inspector General of Police,
Office of Inspector General of Police,
Puducherry Police Department,
Beach Road,
Puducherry.
3. The Deputy Inspector General of Police,
Office of the Deputy Inspector General of Police,
Puducherry Police Department,
Puducherry.
4. The Senior Superintendent of Police
Office of the Senior Superintendent of Police,
Puducherry Police Department,
No.1, Mariammankoil Street Near Collector Office
Karaikal
5. The Superintendent of Police,
Office of the Superintendent of Police,
Puducherry Police Department,
No.1, Mariamman Koil Street, Near Collector
Office, Karaikal
6. The Sub-Inspector of Police,
T.R.Pattinam Police Station,
T.R.Pattinam,
Karaikal.

... Respondents

Prayer:

Criminal Original Petition is filed under Section 482 of Cr.P.C to transfer the investigation of the case in Crime No.118 of 2017 dated 23.11.2017 pending investigation on the file of the 6th respondent police i.e., the Sub-Inspector of Police, T.R.Pattinam Police Station, Puducherry to any other investigation agency for further investigation.

For Petitioner : Mr.Prakash Adiapadam

For Respondents : Mr.Bharath Chakravarthy
Public Prosecutor (P)

O R D E R

This criminal original petition has been filed to transfer the investigation of the case in Crime No.118 of 2017 dated 23.11.2017 pending investigation on the file of the 6th respondent police i.e., the Sub-Inspector of Police, T.R.Pattinam Police Station, Puducherry to any other investigation agency for further investigation.

2. The petitioner lodged a complaint and thereafter the petitioner's son filed Crl.O.P.No.18317 of 2017 for a direction to the respondent police to register the F.I.R. and a direction was issued by this Court on 05.09.2017. Thereafter, the respondent police have registered a a case in crime No.115 of 2017 on 23.11.2017 under Sections 468, 471 I.P.C. r/w 34 I.P.C. against four accused. Whileso, the de-facto complainant has filed the present application for transfer of the investigation on the ground that the investigation is not progressing in the right line.

3. Heard Mr.Prakash Adiapadam, learned counsel for the petitioner who submitted that the police have not taken any steps to arrest the accused.

4. Per contra, the learned Public Prosecutor (Pondy) submitted that the disputes essentially is with regard to the purchase of the industry by the de-facto complaint from the accused. In the opinion of this Court, this is not a fit case to transfer the investigation to any other agency. That apart, this Court cannot issue direction to the respondent police to arrest the accused, in the light of the law laid down by the Supreme Court in Joginder Kumar Vs. State of Uttar Pradesh [(1994) 4 SCC 260].

5. However, the respondent police is directed to conduct the investigation as expeditiously as possible and either file

closure report or the final report as the case may be, with due intimation to the de-facto complainant.

6. Accordingly, this petition is disposed of.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police,
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2. The Inspector General of Police,
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4. The Senior Superintendent of Police
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No.1, Mariammankoil Street Near Collector Office
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5. The Superintendent of Police,
Office of the Superintendent of Police,
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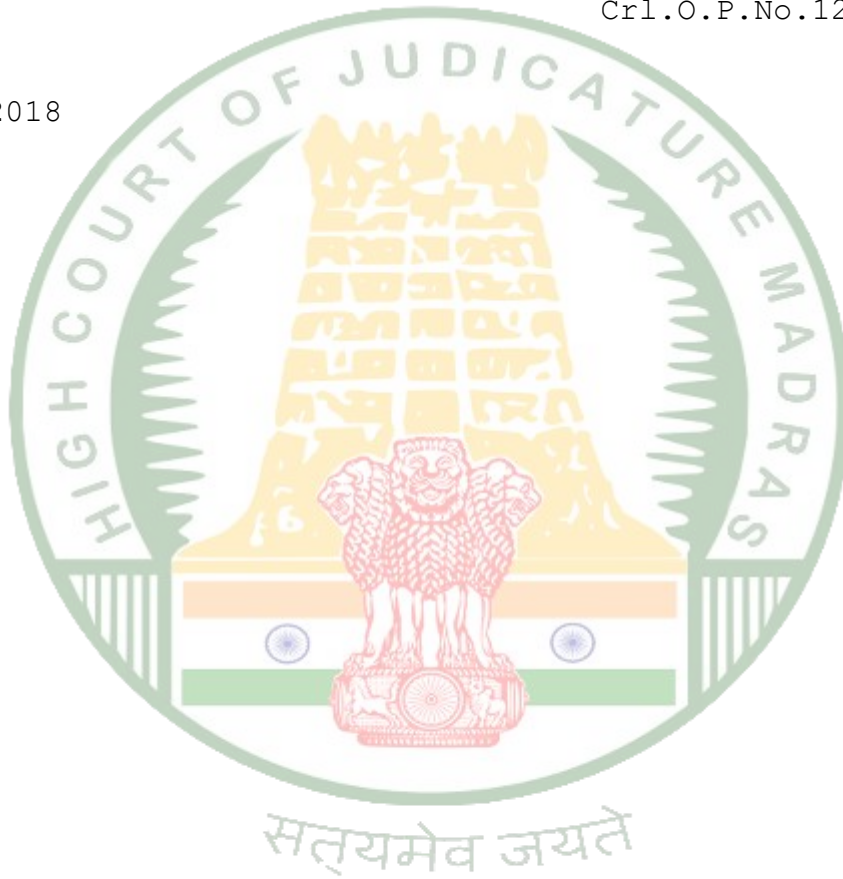
6. The Sub-Inspector of Police,
T.R.Pattinam Police Station,
T.R.Pattinam,
Karaikal.

7.The Public Prosecutor(Puducherry)
High Court, Madras.

+1cc to Mr.Prakash Adiapadam, Advocate sr.no.32357
+1cc to Government Pleader(Puducherry) sr.no.32611

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ssv(co)
nr 22/05/2018



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