

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH
Crl.O.P.No.28566 of 2017

S.Sakthivel

.. Petitioner/complainant

Vs.

The Inspector of Police,
District Crime Branch,
Villupuram.

.. Respondent/Respondent
(Crime No.45 of 2014)

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondent to further investigate the Crime No.45 of 2014 on the file of the respondent by an appropriate investigating officer and file fresh final report within an appropriate time.

For Petitioner : Mr.R.Nalliyappan

For Respondent : Mrs.P.Kritika Kamal,
Government Advocate (Crl. side)

O R D E R

This petition has been filed by the petitioners seeking for a direction to the respondent to further investigate the Crime No.45 of 2014 on the file of the respondent by an appropriate investigating officer and file fresh final report within an appropriate time.

2.Heard Mr.R.Nalliyappan, learned counsel for the petitioner as well as the Mrs.P.Kritika Kamal, learned Government Advocate (Crl. side) appearing for the respondent.

3. The ground, on which, the petitioner seeks further investigation is that he had not executed any Sale Agreement Deed dated 09.08.2010 in favour of one Ramalingam and the charge sheet, which is based on the alleged statement of the petitioner herein is concocted.

4. It is the submission of the learned counsel for the petitioner that no such statement under Section 161(3) of Cr.P.C., was ever made by the petitioner. On a perusal of the case diary, it is seen that there was no Sale Agreement Deed dated 09.08.2010 does not form part of the case diary at all.

5. As such, I am unable to comprehend as to how the Trial Court could have taken cognizance of this fact, based on the alleged statement of the complainant. In this background, taking into consideration the petitioner/complainant's submission that a statement under Section 161(3) of Cr.P.C was never made to the Investigating Officer, it can only be concluded that the investigation has not been properly made and charge sheet is not based on any evidence.

6. While that being so, it would be appropriate to consider the petitioner's case and direct re-investigation of the matter. In view of serious discrepancies, it would also be appropriate to order for re-investigate by some other Investigating Officer other than the earlier Investigating Officer, who had filed the charge sheet. In the result, the charge sheet No.3 of 2015 dated 31.03.2015 is set aside.

7. At this juncture, it is brought to my notice by the learned Government Advocate (Crl. side) that the earlier Investigating Officer is no more in the police station and a different Inspector of Police has been taken his place. Consequently, the Inspector of Police, District Crime Branch, Villupuram is directed to take the petitioner's complaint dated 23.06.2014 on file and re-investigate on the same in accordance with law and file a final report as expeditiously as possible.

8. With the above observation, the Criminal Original Petition stands allowed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector of Police,
District Crime Branch,
Villupuram.

2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Nalliyappan, Advocate, S.R.No.21786

Crl.O.P.No.28566 of 2017

svi (CO)

SP(12/04/2018)
<https://hcservices.ecourts.gov.in/hcservices>