

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2018

CORAM:

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

CrI.O.P.No.19016 of 2016
and
CrI.MP.No.8941 of 2016

M.Aadhithya @ Gokulakrishnan ... Petitioner

vs.

1.The State,
Rep.by the Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai - 600 040

2.M.Ganesan ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
seeking to call for records pertaining to FIR No.232/16 dated
05.04.2016 on the file of the first respondent and quash the
same.

For petitioner Mr.V.Viswanadhan

For R1 Mrs.P.Kritika Kamal
Government Advocate
(Criminal Side)

For R2 Mr.TKS.Gandhi

ORDER

On the complaint lodged by Ganesan, the Inspector of Police, V-5 Thirumangalam Police Station, Chennai has registered a case in Cr.No.232 of 2016 on 05.04.2016 under Sections 406, 420 and 506 (i) IPC against Adhithya (A1) and Sathya (A2). It is the case of Ganesan that Adhithya (A1) and Sathya (A2) represented to him that they will get on lease a prime property belonging to the Army through their contacts in Delhi and on that representation, they had collected Rs.2,00,00,000/- from

Ganesan. Pursuant to the complaint, FIR was registered as stated above and Adhithya (A1) was arrested and subsequently released on bail.

2. In the bail proceedings before the Sessions Court, it came to light that on the complaint given by one Rajappa, the Central Crime Branch registered a case in Crime No.247 of 2014 on 24.05.2014 under Sections 406, 420, 506(ii) IPC against Ganesan, who is the defacto complainant in Crime No.232 of 2016. It transpired that during investigation in Crime No.247 of 2014, Ganesan was arrested. It appears that the facts in Cr.No.247 of 2014 and Crime No.232 of 2016 appear to overlap.

3. The learned Government Advocate (Crl.side) submitted that the accused in Crime No.247 of 2014 filed a quash application before this Court and the same has been dismissed with a direction to the Central Crime Branch to complete the investigation expeditiously.

4. Under such circumstances, this Court is of the view that this is not a fit case to quash the investigation in Cr.No.232 of 2016 and instead, it will be in the interest of justice, if the case in Crime No.232 of 2016 is transferred from the file of the Inspector of Police, V-5, Thirumangalam Police Station, Chennai to Central Crime Branch to be investigated along with Crime No.247 of 2014.

5. Accordingly, the Inspector of Police, V-5 Thirumangalam Police Station, Chennai is directed to hand over the case diary in Crime No.232 of 2016 to the Deputy Commissioner of Police, Central Crime Branch, Chennai within a period of two weeks from the date of receipt of a copy of this Order. The Deputy Commissioner of Police shall allot the investigation in V-5, Thirumangalam Police Station Crime No.232 of 2016 to the Investigating Officer, who is currently investigating CCB Crime.No.247 of 2014. The Investigating Officer is directed to expeditiously conduct the investigation in both the cases and if it is found that the accused in Crime No.232 of 2016 is innocent, it is needless to state that the case against them should be closed.

6. With the above direction, this petition is closed. Consequently, connected Crl.MP is closed.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

gms/lok

To

1. The Inspector of Police,
V-5, Thirumangalam Police Station,
Chennai - 600 040

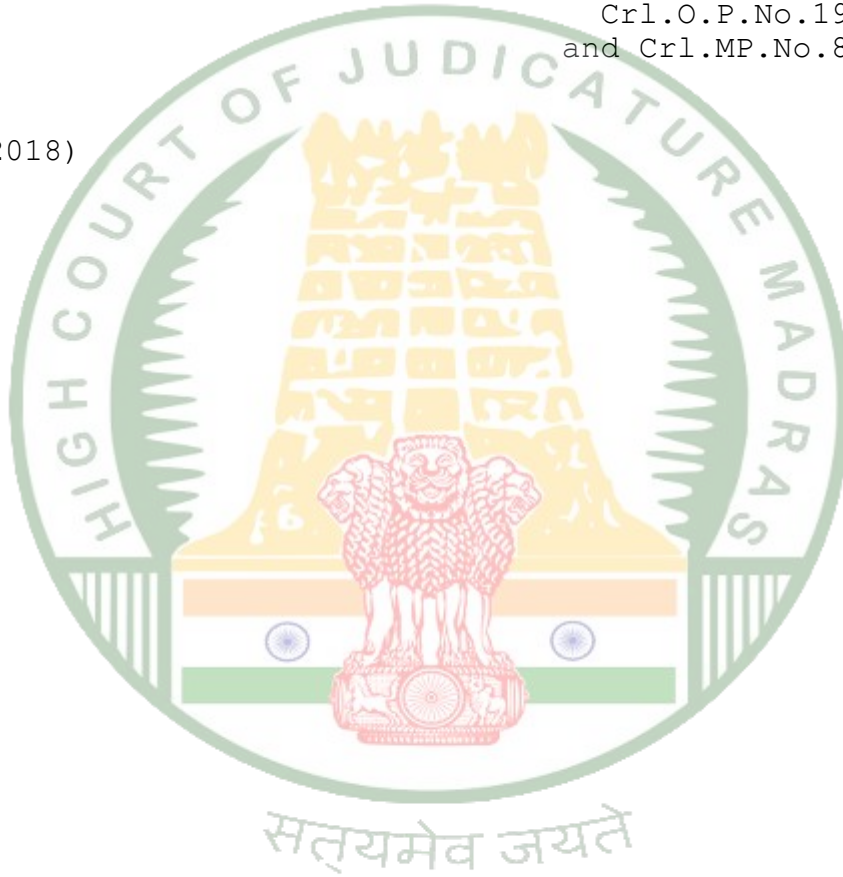
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.TKS.GANDHI, Advocate, S.R.No.24991

+1cc to Mr.V.VISWANATHAN, Advocate, S.R.No. 24842

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AD(CO)
TR(17/04/2018)



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