

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2018

CORAM:

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

Crl.O.P.No.17096 of 2018

M. Rajesh

Petitioner

Vs.

- 1 The Superintendent of Police
Erode District
Erode
- 2 The Deputy Superintendent of Police
Erode District
Erode
- 3 The Inspector
Modakurichi Police Station
Erode

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., seeking to issue a direction to the third respondent to investigate the case and file the final report in Cr. No.72 of 2009 pending on the file of the third respondent in accordance with law.

For petitioner Mr. M. Guruprasad

For respondents Mr. C. Raghavan
Govt. Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking to issue a direction to the third respondent to investigate the case and file the final report in Cr. No.72 of 2009 pending on the file of the third respondent in accordance with law.

2 Today Mr. S. Sekar, Inspector of Police, Modakurichi Police Station, is present.

3 On the complaint lodged by the petitioner, the

third respondent police registered a case in Cr. No.72 of 2009 on 19.02.2009 under Sections 120-B,467,468, and 471 read with Section 109 IPC against six accused.

4 It is the case of the petitioner/de facto complainant that the property measuring around 1,300 sq. ft. originally belonged to the petitioner's mother Mangala Gowri; the said Mangala Gowri executed a settlement deed in 2006 in favour of the petitioner; while so, Manjula (A1) had executed a sale deed impersonating Mangala Gowri in favour of one Babu on 04.09.2008 vide document no.5220 of 2008 before the Sub-Registrar, Perundurai. Hence, the FIR.

5 Today, the third respondent has filed a status report explaining the reasons for keeping the investigation pending from 2009 onwards.

6 In the opinion of this Court, the third respondent which is essentially a Law and Order police, are equipped to deal with only law and order issues and they may not be able to conduct investigation in a case of this nature.

7 Under such circumstances, interests of justice would be served if the investigation in Cr. No.72 of 2009 is transferred from the file of the third respondent police to the file of the Inspector of Police, District Crime Branch, Erode.

8 Accordingly, the Inspector of Police, Modakurichi Police Station, is directed to hand over the case diary in Cr. No.72 of 2009 to the Inspector of Police, District Crime Branch, Erode, within a period of two weeks from the date of receipt of a copy of this order and the latter is directed to complete the investigation of the case as expeditiously as possible.

This Criminal Original Petition stands disposed of with the above directions.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

cad

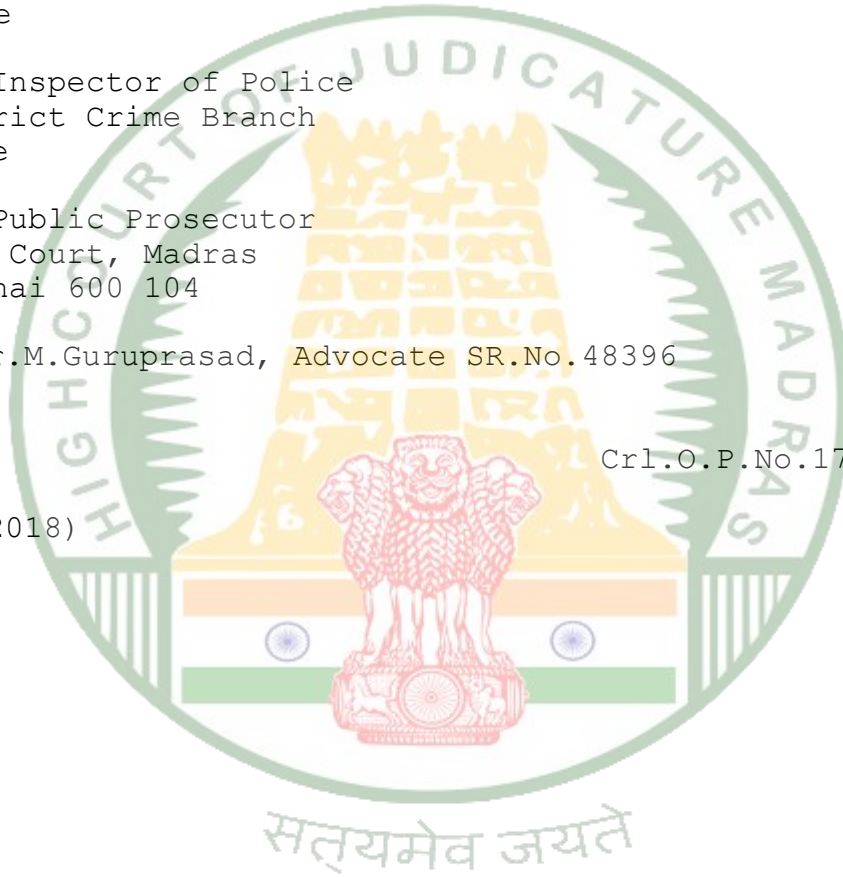
To

- 1 The Superintendent of Police
Erode District
Erode
- 2 The Deputy Superintendent of Police
Erode District
Erode
- 3 The Inspector
Modakurichi Police Station
Erode
- 4 The Inspector of Police
District Crime Branch
Erode
- 5 The Public Prosecutor
High Court, Madras
Chennai 600 104

+1cc to Mr.M.Guruprasad, Advocate SR.No.48396

CrI.O.P.No.17096 of 2018

MP (CO)
GN (31/07/2018)



WEB COPY