

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.24053 of 2018

Saraswathy

.. Petitioner

Vs

1.The Inspector of Police
Palavanthangal Police Station,
Palavanthangal, Chennai.

2.The Deputy Commissioner of Police,
Team XVI, Central Crime Branch,
Vepery, Chennai.

3.The Inspector of Police,
Team XVI, Central Crime Branch,
Vepery, Chennai.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., praying to direct the respondents/police to thoroughly investigate, take action and file charge sheet in accordance with law in the complaint of the petitioner in Crime No.469 of 2004 originally on the file of the 1st respondent police and now transferred and pending on the file of the 2nd and 3rd respondent police, within a period stipulated by this Court.

For Petitioner : Mr.B.Natarajan

For Respondents : Mr.C.Raghavan, GA

O R D E R

On the complaint lodged by one Saraswathy against her brother Rajalingam (A1) and father S.Muniyandi Thevar (A2), that they have usurped her properties, a case has been filed in Palavanthangal Police Station in Crime No.469 of 2004 on 30.11.2004, pursuant to the directions issued by the Judicial Magistrate, Tambaram under Section 156 (3) Cr.P.C for the offences under Sections 207, 418, 467, 474 IPC r/w 120(B) IPC. Since there was no progress in the investigation, Saraswathy filed Crl.O.P.No.13616 of 2015 for a direction to the respondent police to complete the investigation in Crime No.469 of 2004 and file a charge sheet.

2.On a notice to the respondent police, Mr.N.Ravikumar, Inspector of Police, S-9, Palavanthangal Police Station filed a Status Report and this Court passed the following order on 01.09.2015:

"3.Today, Mr.N.Ravikumar, Inspector of Police, S-9, Palavanthangal Police Station is present and he has filed a status report, wherein in paragraph Nos.4 & 5, it is stated as follows:

"4.I submit that on 19.08.2015, I have visited to the scene of occurrence and prepared rough sketch and observation mahazar in the presence of witness, namely Tr.Kumar Aandi and examined the following witnesses and recorded their statements.

1.Tmt.Saraswathy- complainant
2.Tr.Kumar- complainant's husband
3.Tr.T.M.Pandian, 4.Tr.Rajendran
- relatives of the complainant who, very well know about the facts of the case.

All of them have corroborated the same version of the complaint and I have collected the copies of the documents from the complainant for investigation purpose.

5.I submit that in order to complete the investigation, the respondent police has to do the following:

-still some more witnesses have to be examined.

-still more documents have to be verify with the concerned Sub Registrar Office.

Only after completion of the above, we will be able to proceed further and lay a final report in accordance with law. For the reasons stated above, the case is under investigation."

4.Recording the same, this petition is closed with a direction to the respondent police to expeditiously conduct the investigation and take action in accordance with law."

Since the police did not complete the investigation, Saraswathy is once again before this Court with the same prayer.

3.On the directions of this Court, Mr.G.Venkatesan, Inspector of Police, S-9 Palavanthangal Police Station is present today.

4.On instructions, learned Government Advocate [Crl. Side] submitted that while investigation was in progress, the then Investigating Officer had addressed a communication to the Sub-Registrar, Pallavaram, seeking certain clarifications with regard to the documents in question. The Sub-Registrar, Pallavaram sent a communication dated 26.03.2018 to the Assistant Commissioner, Pallavaram with a copy to the Additional Commissioner of Police, Central Crime Branch and Saraswathy. While that being so, Saraswathy gave a fresh complaint to the Central Crime Branch, based on which a preliminary enquiry was conducted by the Inspector of Police, Central Crime Branch, Team No.XVI, Land Grabbing Cell and the same was closed on 08.10.2018. A copy of the closure report was also furnished to Saraswathy.

5.On coming to know of this, the Inspector of Police, Palavanthangal Police Station has sent a report to the Joint Commissioner of Police, suggesting that the case in Palavanthangal Police Station in Crime No.469 of 2004 may also be transferred to the Central Crime Branch for investigation and orders are awaited.

6.In the opinion of this Court, it may not be necessary to transfer the case to the Central Crime Branch, especially in the light of the fact that the Central Crime Branch has conducted a preliminary enquiry and closed the complaint on 08.10.2018. Therefore, this Court directs the Inspector of Police, S-9, Palavanthangal Police Station to proceed with the investigation in Crime No.469 of 2004 by taking into consideration the report dated 08.10.2018 of the Inspector of Police, Central Crime Branch, Team No.XVI and also other documents and come to an independent conclusion as to whether the accused should be prosecuted or the case should be closed. The investigation shall be completed within a period of three months from the date of receipt of a copy of this order.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police
Palavanthangal Police Station,
Palavanthangal, Chennai.
 - 2.The Deputy Commissioner of Police,
Team XVI, Central Crime Branch,
Vepery, Chennai.
 - 3.The Inspector of Police,
Team XVI, Central Crime Branch,
Land Grabbing Cell No.1,
Vepery, Chennai.
 - 4.The Additional Commissioner of police,
Central Crime Branch,
Vepery, Chennai.
 - 5.The Joint Commissioner of Police,
South Zone.
 - 6.The Public Prosecutor,
High Court, Madras.
- + 1 cc to Mr. B.Natarajan, Advocate SR.75101

CRL.O.P.No.24053 of 2018

(CS-IX)
EU(15/11/2018)

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