

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. No.26803 of 2018

S.P.Velayutham

..Petitioner

vs.

- 1.The Deputy Commissioner of Police,
Central Crime Branch,
Vepery, Chennai-600 007,
[Ref.Crime No.155 of 2014]
- 2.The Assistant Commissioner of Police,
Forgery Wing, Central Crime Branch,
Vepery, Chennai-600 007.
- 3.The Inspector of Police,
Central Crime Branch ALGSC-II,
Vepery, Chennai-600 007.
[Ref.Crime No.155 of 2014 dated 10.10.2014] ..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the 2nd respondent to file a final report in Crime No.155 of 2014 on the file of the 3rd respondent within the time frame as may be fixed by this Court.

For Petitioner : Mr.K.Surendar

For Respondents : Mr.C.Raghavan,
Govt. Advocate (Crl. Side)

ORDER

The Criminal Original Petition has been filed seeking for a direction to the respondent Police to file a final report in Crime No.155 of 2014 within the time frame as may be fixed by this Court.

2. It is seen from the records that earlier the investigation was conducted and it was closed as 'mistake of fact'. Thereafter, a petition was filed before this Court in Crl.O.P.No.3416 of 2018 seeking for transfer of investigation. This Court, after considering the facts and circumstances of the

case, by an order dated 20.02.2018, directed the case file to be transferred to the newly assigned Investigating Officer.

3. The learned Government Advocate (Criminal Side) would submit that subsequent to passing of this order, the case is now pending for investigation before the Assistant Commissioner of Police, Forgery Wing, Central Crime Branch, Chennai and the investigation has commenced. The learned counsel would further submit that the FIR has been registered for the offence under Sections 467, 468 and 471 of IPC also. Therefore, the new Investigating Officer has taken steps to send the relevant documents for the report of the handwriting expert. This according to the learned counsel, will take some time. Therefore, the learned Government Advocate would submit that six months time may be granted to the new Investigating Officer to complete the investigation and file a final report.

4. Per contra, the learned counsel for the petitioner would submit that the FIR is of the year 2014 and right from the beginning, the investigation has not been conducted in this case in a proper manner. On an earlier occasion, a closure report was filed by the Police on the ground of mistake of fact, which necessitated the petitioner to approach this Court seeking for change of investigation. This Court, after taking into consideration the seriousness of the issue, was pleased to set aside the closure report and direct the investigation to be conducted by a different Investigating Officer. Therefore, the learned counsel would submit that a longer time may not be given by this Court for filing of the final report.

5. This Court has taken into consideration the submissions made on either side and also the materials placed on record.

6. The case involves forgery. Therefore, the respondent Police has to necessarily seek for an expert opinion with regard to the signature/thumb impression found in the documents. Without doing so, the respondent Police cannot proceed further in the investigation. Normally, it takes time for police to get such report. It is true that this FIR has been pending from the year 2014 onwards. However, by fixing time limit which may not be practicable for the respondent Police to complete the investigation, this Court does not want another sloppy investigation to be conducted by the police. If the same happens, it will defeat the whole purpose of this Court setting aside the earlier closure report. Therefore, in the facts and circumstances of the case, this Court is of the considered view that the new officer must be given sufficient time to complete the investigation and file a final report. The Additional Deputy Commissioner of Police, Central Crime Branch, Vepery, Chennai-600 007, is directed to complete the investigation and file a

final report in this case within a period of four months from the date of receipt of a copy of this order. If there is a delay in obtaining report from the experts, the concerned Officer can quote the orders passed by this Court and expedite the receipt of the report.

7. The Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrarkal

To

- 1.The Deputy Commissioner of Police,
Central Crime Branch,
Vepery, Chennai-600 007,
[Ref.Crime No.155 of 2014]
- 2.The Assistant Commissioner of Police,
Forgery Wing, Central Crime Branch,
Vepery, Chennai-600 007.
- 3.The Inspector of Police,
Central Crime Branch ALGSC-II,
Vepery, Chennai-600 007.

+5cc's to Mr.K.Surendar, Advocate, S.R.No. 78541

Cr1.O.P. No.26803 of 2018

GN(27/11/2018)

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