

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2019

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.319 & 323 of 2019
and Crl.O.P.No.29854 & 29859 of 2018

1. Pavilion Commercial Private Limited,
Represented by its Director
& Authorized Signatory,
Mr.A.Sundararaju, ...Petitioner in Crl.O.P.No.319 of 2019
2. Sumathi Construction Private Limited,
Represented by its Director,
& Authorized Signatory,
Mr.A.Sundararaju, ...Petitioner in Crl.O.P.No.323 of 2019
3. Thyrocare Hospitals Limited,
Represented by its Director
& Authorized Signatory,
Mr.A.Sundararaju ... Petitioner in Crl.O.P.No.29854 of 2018
4. Mahima Advertising LLP,
Represented by its Designated Partner,
& Authorized Signatory,
Mr.A.Sundararaju, ...Petitioner in Crl.O.P.No.29859 of 2018

Vs.

1. The State of Tamil Nadu,
Represented by the Superintendent of Police (Rural)
State Bank Road,
Coimbatore - 641 018. ...1st Respondent in all Crl.O.Ps.
2. The Inspector of Police,
Chettipalayam Police Station,
Coimbatore - 641 201. ...2nd Respondent in
Crl.O.P.Nos.319/2019
& 29854/2018

3. The Inspector of Police,
Negamam Police Station,
Coimbatore - 642 120.

...2nd Respondent in
Crl.O.P.No.323 of 2019

4. The Inspector of Police,
Madukkarai Police Station,
Coimbatore - 641 105.

...2nd Respondent in
Crl.O.P.No.29859 of 2018

5. The Inspector of Police,
District Crime Branch,
Coimbatore.

...3rd Respondent in
all Crl.O.Ps.

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C to direct the 1st Respondent to change the incumbent 3rd Respondent as the officer in charge of the investigation of Crime No.5 of 2018 on the file of the 3rd Respondent by deputing any other investigating officer and to do a proper and impartial investigation under the supervision of the 1st Respondent and file the final report within a time limit stipulated by this Court.

For Petitioners : Mr.Sundar Narayan
[in all Crl.O.Ps.]

For Respondents : Mr.M.Mohamed Riyaz
[in all Crl.O.Ps] Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed seeking for transfer of investigation, which is now pending on the file of the Inspector of Police, District Crime Branch, Coimbatore/3rd respondent in all the criminal original petitions in Crime No.5 of 2018. सत्यमेव जयते

2. It is seen from the records that these four petitioners have filed independent complaints against the same accused persons with regard to fraud committed while selling the lands. All the complaints were collected together and FIR was registered in Crime No.5 of 2018, dated 04.03.2018 for the alleged offences under Sections 420, 423, 424, 467, 468 and 471 IPC.

3. The learned counsel for the petitioners would submit that right from the beginning absolutely there is no improvement in the investigation and a huge fraud that has been committed by the accused persons has not been taken into consideration and

the investigating officer has not taken any steps to proceed further with the investigation. The learned counsel would further submit that even to register FIR in these cases, the petitioners were forced to file petitions before this Court and only pursuant to the direction of this Court, the FIR was registered. Therefore, the petitioners have filed these petitions seeking for transfer of investigation.

4. These petitions have been listed thrice for hearing the respondent police has not filed any status report before this Court, regarding the progress of investigation. Going by the magnitude of the crime committed by the accused persons.

5. This Court is of the considered view that the investigation had not been properly conducted.

6. The Superintendent of Police, Coimbatore is directed to allot these cases to another investigating officer and the Superintendent of Police is further directed to monitor the investigation process. The present investigating officer is directed to immediately hand over the entire case diary to the Superintendent of Police, Coimbatore to enable the Superintendent of Police to allocate these cases to some other investigating officer.

7. With the above directions, these Criminal Original Petitions are disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msrm/vsa

To

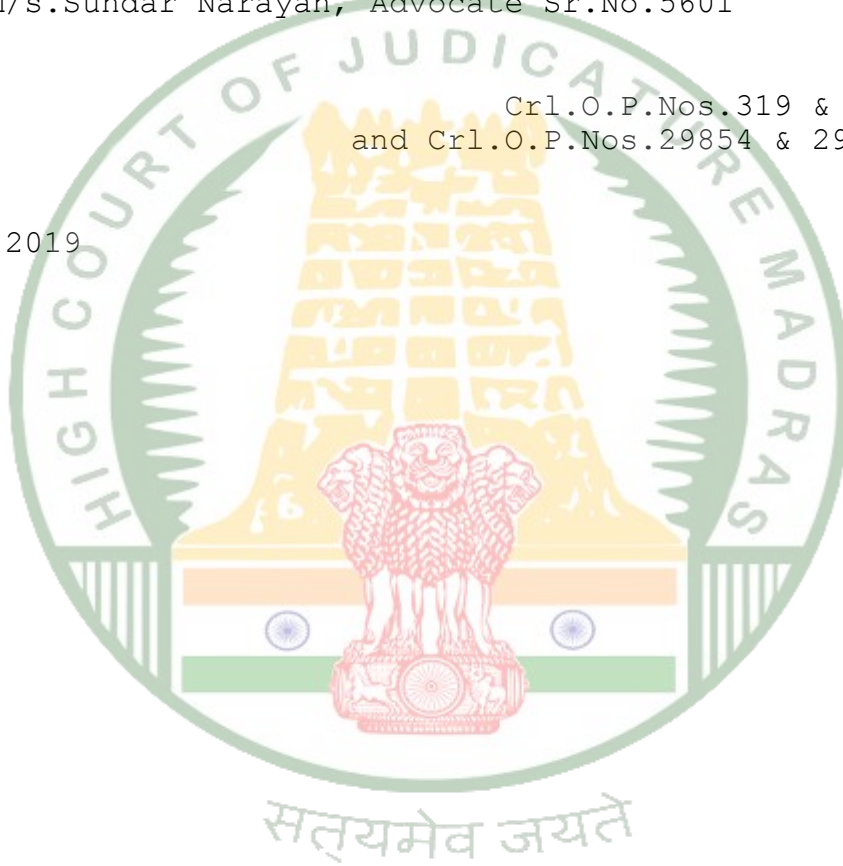
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Madukkarai Police Station,
Coimbatore - 641 105.
5. The Inspector of Police,
District Crime Branch,
Coimbatore.
6. The Additional Public Prosecutor
High Court of Madras,
Madras.

+1 cc to M/s.Sundar Narayan, Advocate Sr.No.5601

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NRL (CO)
CSL/15.02.2019



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