

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2019

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

Cr1.O.P.No.1370 of 2019

Burma (a) Marimuthu

... Petitioner

Vs.

1.The Director General of Police,
No.1, Radhakrishnan Salai,
Chennai - 600 004.

2.The Commissioner of Police,
Vepery, Chennai - 600 007.

3.The Inspector of Police,
J.J.Nagar Police Station,
Chennai.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Crime No.271 of 2018 on the file of the 3rd respondent police, to the CBCID or to any other law enforcement agency and direct such investigation to be completed and final report to be filed within a specified time frame.

For Petitioner : Mr.S.Anil Sandeep

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public

Prosecutor

O R D E R

This petition has been filed seeking for transfer of investigation.

2.Based on the complaint given by the petitioner, the respondent police have registered an FIR in Crime No.271 of 2018 on 10.07.2018, for an offence under Sections 341, 294 (b) and 506 (i) I.P.C.

3.The learned counsel for the petitioner submitted that a criminal trespass was committed in the property in which the petitioner was a lessee and theft was also committed in the property. In spite of a specific allegation made in the complaint, the respondent police failed to add the offence of criminal trespass and theft in the FIR. The learned counsel for the petitioner further submitted that there is absolutely no progress in the investigation and the petitioner who is a Chronic Tuberculosis patient is literally now in the street. Therefore, the present petition has been filed seeking for transfer of investigation.

4.The learned Additional Public Prosecutor on instructions would submit that the respondent police in the course of the investigation and based on the materials collected during the investigation, the offence will be altered and action will be taken as against the accused persons. The learned Additional Public Prosecutor further submitted that the investigation will be completed within a short period.

5.This Court has carefully considered the submissions made on either side. The respondent police shall effectively continue with the investigation and shall alter the offence based on the materials collected in the course of the investigation. The respondent police is also directed to proceed further as against the accused persons and also complete the investigation and file a final report within a period of two months from the date of receipt of a copy of this order.

6.This Criminal Original Petition is disposed of with the above directions.

Sd/-
Assistant Registrar

//True copy// सत्यमेव जयते

Sub Assistant Registrar

ia/vsg1

To:

1.The Director General of Police,
No.1, Radhakrishnan Salai,
Chennai - 600 004.

2.The Commissioner of Police,
Vepery, Chennai - 600 007.

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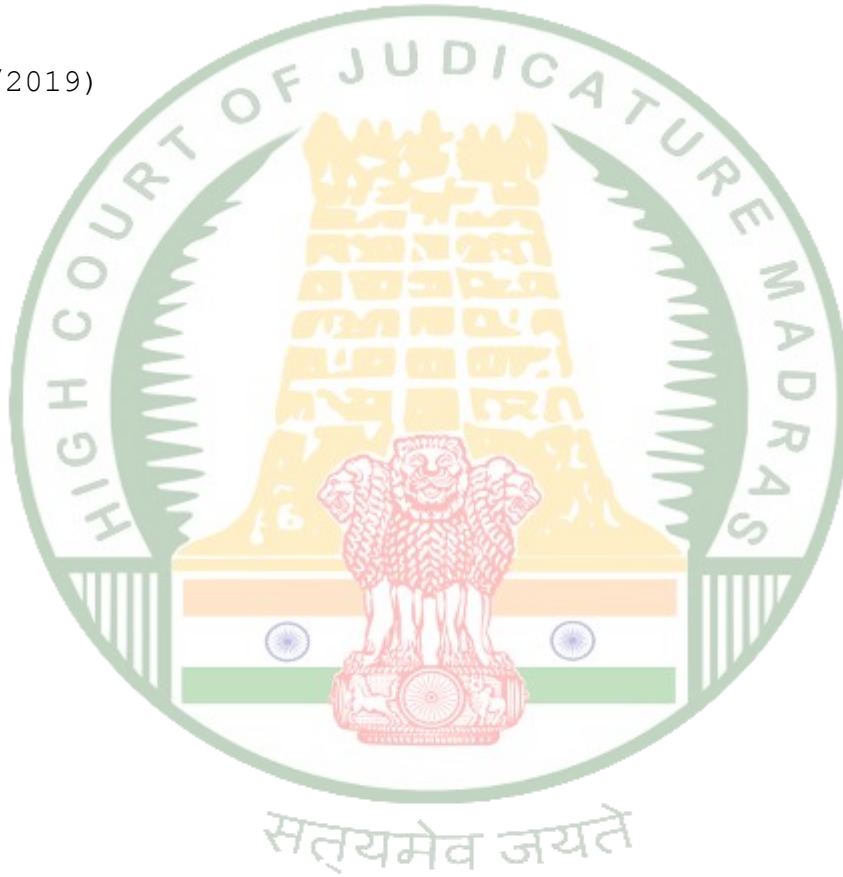
3.The Inspector of Police,
J.J.Nagar Police Station,
Chennai.

4.The Public Prosecutor,
Madras High Court, Chennai- 104.

+2cc to Mr.S.Anilsandeep, Advocate SR.No.7513

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EV (CO)
GMY (20/02/2019)



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