



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.9774 of 2013

M.Manimaran

... Petitioner/Defacto Complainant

Versus

1.State, Rep. by Inspector of Police,
Central Crime Branch, Chennai.

2.Deputy Inspector General of Police,
Crime Branch C.I.D.,
Guindy, Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to the proceedings in the case in Cr.No.234 of 2010, pending on the file of the Chief Metropolitan Magistrate, Chennai, reopen and withdraw the case in Cr.No.234 of 2010 on the file of the First respondent and transfer the same to the 2nd respondent for further, proper and fair investigation.

For Petitioner : M/s.M.Saravana Kumar
For Respondents: M/s.S.Thankira
Government Advocate [Crl. Side]

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.234 of 2010.

2.The learned counsel for the petitioner would submit that the petitioner has entered into an agreement on 18.09.2006 with Mohan Krishnammachari and Sekar Venkataraman to purchase lands for IVRCL Company with the partnership company namely M/s.Sri Lakshmi Real Estate and Builders was established by the petitioner and the said Mohan Krishnamachari and Venkataraman Sekar on 07.06.2006. He would further submit that the said Mohan Krishnamachari and Venkataraman Sekar had in collusion with each other in contra to the agreement entered, swindled huge sums of money.



3.The learned Government Advocate [Crl. Side] appearing for the respondents would submit that on completion of investigation, the 1st respondent referred the matter as "CIVIL NATURE", on the ground that it is a commercial transaction and further the petitioner could not produce any valid document or material to substantiate his claim. In respect of the same, the 1st respondent had filed a closure report before the learned Chief Metropolitan Magistrate, Allikulam, Chennai on 15.03.2013 and also served R.C.S notice to the petitioner. The learned Magistrate accepted the final report filed by the 1st respondent and after hearing the objections and the points raised by the petitioner, passed an order dated 17.12.2015 in Crl.M.P.No.6357 of 2015 in Crime No.234 of 2010 that the prosecution has rightly referred the case as "CIVIL NATURE".

4.This Court on perusal of the documents and on analysis of the materials of both the petitioner and the prosecution, comes to the conclusion that predominately the dispute is between two contractual parties, wherein certain violations is said to have taken place. Further, the learned counsel for the petitioner could not be produce any valid document or material with regard to the allegations of entrustment of the property, misappropriation and cheating.

5.In view of the same, this Court does not finds any illegality and infirmity in the order passed by the Court below in Crl.M.P.No.6357 of 2015 in Crime No.234 of 2010 and also find no merits in the points raised by the petitioner for consideration. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Central Crime Branch, Chennai.
- 2.The Deputy Inspector General of Police,
Crime Branch C.I.D.,
Guindy, Chennai.



3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.M.Saravana Kumar, Advocate sr.53839

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sj(co)
nr 24/09/2019