

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.8199 of 2016

1. J.Babu
2. D.Velayudham
3. A.Damodharan
4. B.Selvam

.... Petitioner/De-facto
Complainants

.Vs.

1. The State
Rep. by the Director General of Police,
Kamarajar Salai, Mylapore,
Chennai 600 004.
2. The State,
Rep. by the Commissioner of Police,
Vepery,
Chennai 600 007.
3. The State,
Rep. by the Inspector of Police (Crime),
R-1, Mambalam Police station,
Chennai 600 017

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 of Cr.P.C. to transfer the case in Crime No.1315 of 2014, now the same is pending before the 3rd respondent, to the Central Crime Branch Police, Chennai or any other investigating agency and to complete the enquiry within a time frame.

For Petitioner : Mr.R.Kamaraj

For Respondent : Mr.M.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation in Crime No.1315 of 2014 which is pending on the file of the 3rd respondent.

2. The learned counsel for the petitioner submitted that a complaint was given before the 3rd respondent alleging that the accused person had taken the car of the petitioner for rent and has neither paid the rent nor returned the car. It is further alleged that the accused person had given the car on lease to some company and is earning out of the same and whereas the defacto complainant is paying the hire purchase amount for the loan taken by him. The learned counsel further submitted that the anticipatory bail petition filed by the accused person was also dismissed by this Court in Crl.OP No.24671 of 2014 by order dated 31.01.2014.

3. The learned Additional Public Prosecutor on instructions submitted that the investigation is still pending and final report is yet to be filed.

4. Taking into consideration the facts and circumstances of the case, this Court is convinced that the 3rd respondent is not conducting the investigation in a proper manner in this case. The final report is yet to be filed and the FIR is pending investigation for the last five years.

5. In view of the above, the investigation in Crime No.1315 of 2014 is transferred from the file of the 3rd respondent to the Assistant Commissioner of Police, Mambalam. The 3rd respondent shall handover the entire case diary to the Assistant Commissioner of Police, Mambalam within a period of two weeks from the date of receipt of copy of this order. The Assistant Commissioner of Police, Mambalam shall proceed further with the investigation effectively and shall complete the same within a period of three months and file a final report.

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

rka

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

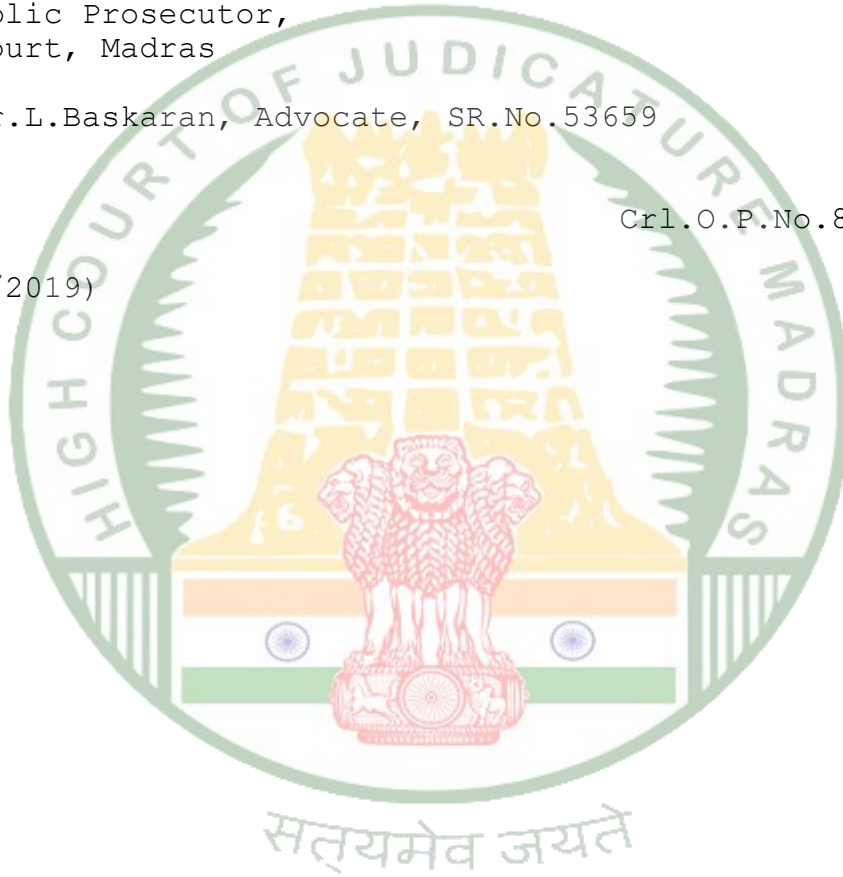
1. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 4.

2. The Commissioner of Police,
MVepery, Chennai - 600 007.
3. The Inspector of Police (Crime)
R1, Mambalam Police Station,
Chennai - 600 017.
4. The Assistant Commissioner of Police,
Mambalam, Chennai.
5. The Public Prosecutor,
High Court, Madras

+lcc to Mr.L.Baskaran, Advocate, SR.No.53659

Cr1.O.P.No.8199 of 2016

Kak(24/07/2019)



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