

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.4831 of 2019

Mohan

...Petitioner

Vs.

1.The Superintendent of Police
Vellore
Vellore District

2.The Inspector of Police
CBCID, Vellore

3.The Inspector of Police
District Crime Branch
Vellore
Vellore District

...Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to withdraw the case in crime No.02 of 2018 on the file of the 3rd respondent and transfer the same to the 2nd respondent or some other agency and to investigate the same and file a final report within stipulated period.

For Petitioner : Mr.Sathish Kumar

For Respondent : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner under Section 482 of Cr.P.C., to withdraw the case in crime No.02 of 2018 on the file of the 3rd respondent and transfer the same to the 2nd respondent or some other agency and to investigate the same and file a final report within stipulated period.

2.The learned counsel for the petitioner would submit that in order to cheat the petitioner and grab the property one V.R.Subramaniam joined along with his son in law Gandhi, his sister's son Velu, Stamp vendor Boopathi and document writer Sivakumar had created the forgery documents and signed as if the petitioner had signed in the sale agreement. Using the forged sale agreement the above said V.R.Subramaniam had filed a suit in O.S.No.41 of 2016 before the Principal Judge, Vellore, Vellore District. Further, the signatures were verified by the forensic department and proved that the signature of the petitioner was mismatching and forged one. With regard to the same, several complaints were preferred by the petitioner but the same was failed to consider by the respondents 1 to 3. Hence, the petitioner filed a complaint under Section 156(iii) of Cr.P.C. before the learned Judicial Magistrate, Katpadi, Vellore District in C.M.P.No.453 of 2017, wherein, the learned Judicial Magistrate directed the 3rd respondent to register the complaint of the petitioner and investigate the same. Thereafter, the 3rd respondent registered the FIR in Crime No.02 of 2018 for the offences punishable under Section 120B, 420, 465, 467, 468 & 471 IPC dated 31.01.2018. Though the FIR was registered, the 3rd respondent did not discharge his duty. The petitioner is struggling with great financial crises for paying interest to the borrowed amount. Hence, prays for appropriate relief.

3.The learned Additional Public Prosecutor appearing for the respondents submitted a status report stating that the respondent police registered a case, investigated in a free, fair and impartial manner in accordance with law and the same is pending to examine some more witnesses and to collect the relevant documents from the various authorities and the same has to be verified. At this stage, there is no necessity to transfer the investigation of this case to any other agency as prayed by the petitioner.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor.

5.It is seen that the investigation has already been completed and they have to file only a charge sheet. Considering the same, this Court directs the 3rd respondent herein to complete the investigation and file a final report within a period of eight weeks from the date of receipt of a copy of this order in Crime No.02 of 2018.

6.This Criminal Original Petition stands disposed of accordingly.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police
Vellore, Vellore District

2.The Inspector of Police
CBCID, Vellore

3.The Inspector of Police
District Crime Branch
Vellore, Vellore District

4.The Public Prosecutor,
High Court of Madras.

5.The Principal Judge,
Vellore District.

+1cc to Mr.Sathish Kumar, Advocate sr.25825

सत्यमेव जयते

Cr1.O.P.No.4831 of 2019

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