

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.17104 of 2018

E.Gnanambal

... Petitioner

Vs.

- 1)The Director General of Police,
The State of Tamil Nadu
Dr Radhakrishnan Salai.
Chennai-600 004.
 - 2)The Inspector General of Police,
Trichy Zone,
Tamil Nadu.
 - 3)The Deputy Inspector General of Police,
Tanjore Division,
Tamil Nadu.
 - 4)The Superintendent of Police,
Tiruvarur District,
Tamil Nadu.
 - 5)The Deputy Superintendent of Police,
District Crime Branch,
Thiruvarur District.
 - 6)The Inspector of Police,
District Crime Branch,
Thiruvarur.
- ... Respondents

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code, to transfer the investigation of the case in Crime No.3 of 2018 pending on the file of the 6th respondent police to some other competent independent investigation agency more particularly to C.B.C.I.D., Head Quarters, Chennai.

For Petitioner : Mr.C.D.Johnson

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

O R D E R

The petitioner has filed the present petition seeking to transfer the investigation of the case in Crime No.3 of 2018 pending on the file of the 6th respondent police to some other competent independent investigation agency more particularly to C.B.C.I.D., Head Quarters, Chennai.

2.It is seen from the records that the petitioner is the wife of late P.A.Erudhayasamy, and they two sons and four daughters. The said Erudhayasamy owned several properties in and around Mannargudi Town. While he was alive, he executed a registered Will in favour of his two sons alone. Later he died and the properties were enjoyed by his two sons after partitioning the properties. Thereafter, again the properties were partitioned and the major part has been taken over by the elder son. Even after that, with an ulterior motive to grab the entire property, the elder son gave torture and threat and unable to tolerate the same, the younger son Raja committed suicide leaving his mother, wife and his minor daughter as legal heirs. While so, the petitioner's elder son in order to grab 10 grounds of land situated at Mannargudi Town, forged documents and executed power of attorney, forged death certificate of her younger son viz., Raja and also created death certificate of the petitioner, mother of the said Raja and the submitted the same before the Registering Authorities at Mannargudi, for the purpose of registration of sale of property, while the petitioner is alive. The said property was sold to some other persons forging all the documents and this came to know only after receipt of demand notice from the Income Tax Department to the petitioner's daughter-in-law and minor Grand daughter calling to pay capital gain and taxes on sale consideration. Thereafter, the petitioner lodged a complaint before the 4th respondent/Superintendent of Police, Thiruvarur and the same was forwarded to the 6th respondent for further action and a case was registered in Crime No.03 of 2018 for the offences under Sections 419, 420, 468, 471, 506(i) and 120(b) IPC as against the accused persons. Though the respondent police secured A1,2,3 and 8 and 9, A8 and A9 were left without enquiry. Though specific directions were given to the 4th to 6th respondents to secure the accused persons, the 6th respondent is not taking any steps to secure the accused persons. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.The learned counsel for the petitioner submitted that A4 to A9 preferred anticipatory bail but the same were dismissed. Even thereafter the 6th respondent did not put effort to secure the accused persons.

4.The learned Additional Public Prosecutor filed a status

report filed by the Inspector of Police, District Crime Branch, Thiruvavarur, Thiruvavarur District. Wherein, the inspector of Police submitted that the respondents Police have formed a special team to secure the absconding accused persons viz. A4, A6 and A7 and they were taking sincere and effective steps to secure the absconding accused persons. He further submitted that the investigation is pending for the reason to examine some more witnesses, to secure the absconding witnesses and to collect the documents from the Office of the Sub-Registrar Office, Mannarkudi and Vadasery, Indian Bank, Mannarkudi and to find out the impersonated person and she has to be secured. Hence, he seeks to dismiss this petition seeking for transfer of the investigations.

5. Heard Mr.C.D.Johnson, learned counsel for the petitioner and M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents.

6. Considering the above facts and circumstances, at this stage, the transfer of investigation cannot be considered, since it would affect the entire investigation. Further, the 6th respondent is directed to secure the abscond accused viz., A4, A6 and A7 and complete the enquiry and to file a final report in Crime No.3 of 2018 within a period of three months from the date of receipt of copy of this order. The 5th respondent is directed to monitor the investigation conducted by the 6th respondent and also ensure that the 6th respondent secures the absconding accused persons and complete the enquiry within the period stipulated by this Court.

7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Deputy Registrar (CS)

//True copy//

Sub Assistant Registrar

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To

- 1) The Director General of Police,
The State of Tamil Nadu
Dr Radhakrishnan Salai.
Chennai-600 004.

2)The Inspector General of Police,
Trichy Zone,
Tamil Nadu.

3)The Deputy Inspector General of Police,
Tanjore Division,
Tamil Nadu.

4)The Superintendent of Police,
Tiruvarur District,
Tamil Nadu.

5)The Deputy Superintendent of Police,
District Crime Branch,
Thiruvarur District.

6)The Inspector of Police,
District Crime Branch,
Thiruvarur.

+1cc to Mr.C.D.Johnson, Advocate SR.No.40735

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NRL (CO)
GMY (23/05/2019)



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