

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.15001 of 2019

M.R.Durairaj

.. Petitioner

-vs-

- 1.The Director General of Police,
No.1, Radhakrishnan Salai,
Chennai-600 004.
- 2.The Inspector General of Police(Rural)
Coimbatore Zone,
No.5, Dr.Abdur Rahim road,
Coimbatore Central, Coimbatore-641 018.
- 3.The Superintendent of Police,
Coimbatore District,
State Bank Road, Coimbatore-641 018.
- 4.The Deputy Superintendent of Police,
Anti Land Grabbging Cell (Rural),
State Bank Road, Coimbatore-641 018.
- 5.The Inspector of Police,
K G Chavadi Police Station,
Coimbatore District
(Crime No.187 of 2012)
- 6.The Deputy Superintendent of Police,
CBCID, Coimbatore Range,
Coimbatore-641 018.

.. Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.187 of 2012 on the file of the 5th 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.

For Petitioner : Mr.S.Anil Sandeep
For Respondents : Mr.M.Mohamed Riyaz
Addl. Public Prosecutor

ORDER

This petition has been filed seeking for transfer of investigation in Crime No.187 of 2012, which is pending on the file of the fifth respondent to some other agency.

2. When the case came up for hearing on 14.06.2019, this Court passed the following order:

"The learned Additional Public Prosecutor on instructions submitted that the respondent police have filed a closure report as "further action dropped" in R.C.S.No.14 of 2015 before the learned Judicial Magistrate No.VII, Coimbatore.

2. The learned counsel for the petitioner submitted that no RCS notice was served on the defacto complainant. The learned counsel further submitted that the accused person approached this Court seeking to quash the FIR in Crime No.187 of 2012 and this Court dismissed the said petition by order dated 12.10.2012, wherein this Court has indicated that since the main issue involved is the alleged forgery committed by the accused person, the same can be ascertained only after sending the document for an expert opinion. According to the learned counsel for the petitioner, the case has been closed even without sending the document for an expert opinion and therefore, interference of this Court is required and the investigation has to be transferred to some other agency."

3. The learned Additional Public Prosecutor on instructions, submitted that further action was dropped even without sending the relevant document for expert opinion in order to find out whether the offence of forgery has been committed.

4. The FIR has been closed as further action dropped even without sending the document in question for expert opinion. Therefore, this Court is not convinced with the action taken by the fifth respondent Police. Now it is informed that the New Inspector of Police has taken charge of the fifth respondent Police Station.

5. There shall be a direction to the fifth respondent to further investigate in Crime No.187 of 2012 and get a proper expert opinion regarding the forgery alleged by the complainant and proceed further with the investigation. The investigation shall be completed within a period of six months from the date of receipt of a copy of this order and file a final report or closure report, as the case may be, shall be filed before the concerned jurisdictional Court.

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

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police,
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Chennai-600 004.
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Coimbatore District
(Crime No.187 of 2012)

6.The Deputy Superintendent of Police,
CBCID, Coimbatore Range,
Coimbatore-641 018.

7.The Public Prosecutor,
High Court of Madras,
Chennai.

+lcc to Mr.S.Anil Sandeep, Advocate sr.52161

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ssd(co)
nr 23/07/2019



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