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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16506 of 2019

N.Baskaran

... Petitioner

Vs.

State Rep. by

1. The Deputy Commissioner of Police,
L.B.Road, Adyar, Chennai 600 020.

2. The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai 600 045

... Respondents

Common Prayer: Criminal Original Petition has been filed to transfer the investigation in Crime No.1549 of 2018 from the 2nd respondent to CBCID, Chennai.

For Petitioner : Mr.R.Ramesh

For Respondents : Mr.Mohammed Riyaz,
Additional Public Prosecutor

ORDER

This petition has been filed seeking for transfer of investigation in Crime No.1549 of 2018 pending on the file of 2nd respondent.

2. It is seen from records that the petitioner had given a complaint in the year 2016 and since no action was taken on the complaint, the petitioner had filed Criminal Original petition before this Court in Crl OP No.4783 of 2016 and this Court passed an order dated 09.02.2018, directing the respondent police to register an F.I.R, if a cognizable offence is made out.

3. Inspite of the order passed by this Court, since the respondent police did not register an F.I.R, the petitioner has constrained to issue a contempt notice to the 2nd respondent. Only after the receipt of the contempt notice, an F.I.R came to be registered by the 2nd respondent.

4. The learned counsel for the petitioner submitted that the 2nd respondent did not make any progress in the investigation and a reading of the F.I.R itself would reveal



that the FIR was registered only to escape from the consequences of the non-compliance of the order passed by this Court. The learned counsel therefore submitted that the investigation has to be transferred to the file of some other police.

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5. Heard the submissions of learned Additional Public prosecutor.

6. A reading of the F.I.R itself shows that the 2nd respondent has registered an F.I.R without proper details and only to escape from the consequences of non-compliance of the order passed by this Court. With this F.I.R, it will be very difficult to proceed further with the investigation. That apart, there is no progress in the investigation done by the 2nd respondent.

7. In view of the above, this Court is inclined to transfer the investigation to the file of the Assistant Commissioner of Police, Tambaram to proceed further with the investigation. This Criminal original petition is disposed of with a direction to the 2nd respondent to handover the entire case dairy to the Assistant Commissioner of Police, Tambaram within a period of two weeks from the date of receipt of copy of this order. On receipt of the case dairy, the Assistant Commissioner of Police, Tambaram shall alter the F.I.R accordingly with correct facts and proceed further with the investigation and complete the same as expeditiously as possible.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Deputy Commissioner of Police,
L.B.Road, Adyar, Chennai 600 020.
2. The Assistant Commissioner of Police, Tambaram.
3. The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai 600 045
4. The Public Prosecutor, High Court, Madras

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AKM/ 28.08.19/ 2P-5C /

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