



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.07.2019
CORAM
THE HONOURABLE Mr.JUSTICE N. ANAND VENKATESH

Crl.O.P.No.19032 of 2019
and
Crl.M.P.No.9685 of 2019

Chinnadurai

... Petitioner

Vs.

The State rep by,
Inspector of Police,
Koyembedu Police Station,
Chennai City,
Chennai.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to transfer the investigation of the case in Crime No.393/2019 on the file of the respondent to any other competent agency and to file the final report in accordance with law.

For Petitioner : Mr.J.Titus Enock

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

O R D E R

This petition has been filed seeking for transfer of investigation pending on the file of the respondent police in Crime No.393 of 2019.

2.It is seen from records that there is a landlord tenant dispute and already a suit is pending in O.S.No.2365 of 2019 before the XVIII Assistant City Civil Court, Chennai. It is the case of the petitioner that the petitioner was attacked by the landlord and his men and he was admitted in the hospital. In spite of the same, the respondent police did not register the FIR immediately and the FIR ultimately came to be registered only on 25.04.2019. It is the further grievance of the petitioner that the landlord has also given a false complaint against the petitioner and that was also registered in Crime No.392 of 2019.

3.The learned Counsel for the petitioner submitted that the respondent police is not conducting the investigation in a



proper manner and the respondent police did not take into consideration the fact that the petitioner sustained serious injuries and many of the valuable articles were removed and taken away by the accused persons and the same has not been recovered till date. Therefore the learned Counsel submitted that the respondent police has not conducted a fair investigation in this case and request for transfer of investigation.

4.The learned Additional Public Prosecutor on instructions submitted that both the FIRs in Crime Nos.392 and 393 of 2019 are being investigated by the respondent police effectively and that the final report will also be filed within the time stipulated by this Court. The learned Counsel submitted that the petitioner has filed this petition seeking for transfer of investigation merely on apprehensions.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.It is seen that the FIR itself was registered on 25.04.2019. This Court is confident that the respondent police will take into consideration the grievance of the petitioner and if any of the values have been taken away from the house of the petitioner, the respondent police shall also take efforts to recover the same in the course of investigation. The respondent police shall continue further and investigate the case effectively in both the FIRs in Crime Nos.392 and 393 of 2019 and shall file a final report within a period of three months from the date of receipt of copy of this order.

7.This Criminal Original Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Inspector of Police,
Koyembedu Police Station,
Chennai City,
Chennai.



2.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Titus Enock, Advocate sr.61515

Crl.O.P.No.19032 of 2019
and
Crl.M.P.No.9685 of 2019

nrl(co)
nr 28/08/2019