

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.23944 of 2017

N.K.Narayanan

...Petitioner

Vs.

State Represented by

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Salem District, Nethimedu,
Salem.
2. The Deputy Superintendent of Police,
Salem Circle, Asthampatti,
Salem District.
3. The Inspector of Police,
Thalaivasal Police Station,
Attur, Salem District.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, praying to direct the 1st respondent to transfer the investigation in Crime No.230 of 2017 dated 19.09.2017, pending on the file of the 3rd respondent to some other agency.

For Petitioner : Mr. K.Balasubramaniam

For Respondent : Mr. C.Raghavan
Government Advocate

ORDER

This petition has been filed seeking to transfer the investigation in Crime No.230 of 2017 pending on the file of the 3rd respondent.

2. It is seen from the records that the petitioner had some financial transactions with the accused persons and ultimately, the petitioner was threatened and made to execute certain

documents and signed in blank cheques and he was also attacked by the accused persons. Therefore, the petitioner gave a complaint before the respondent police. No action was taken and therefore, the petitioner filed CrI.O.P No.19225 of 2017 before this Court seeking for a direction to register the FIR and pursuant to the order passed by this Court on 14.09.2017, the 3rd respondent registered an FIR in Crime No.230 of 2017 for the offences under Sections 147, 148, 448, 341, 427, 294(b), 323, 324, 354, 506(ii) of IPC.

3. As a counter blast, the accused persons preferred a complaint against the petitioner and his wife and the same was also registered by the 3rd respondent in Crime No.231 of 2017 for the offences under Sections 294(b), 323, 324 and 506(ii) IPC.

4. It is the grievance of the petitioner that there was absolutely no progress in the investigation and the accused is a very influential person in the locality and therefore, the 3rd respondent did not even take steps to recover the documents and other cheques that were taken away from the petitioner. It is reported that the cheques were utilized to file 138 N.I Act complaints against the petitioner at various parts of the country. Aggrieved by the inaction on the part of the 3rd respondent, the present petition has been filed before this Court seeking for transfer of investigation.

5. Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondent police.

6. It is brought to the notice of this Court that the investigation is still pending and no final report has been filed in both the cases. It is clear that the 3rd respondent has not investigated the case effectively and the FIR has been kept pending for nearly two years.

7. In view of the above, this Court is of the considered view that the investigation has to be transferred to the file of an Superior Officer. The investigation pending on the file of the 3rd respondent in Crime No.230 of 2017 and 231 of 2017 is transferred to the file of the Deputy Superintendent of Police, Salem Circle, Salem.

8. The 3rd respondent is directed to hand over the entire case diary in Crime No.230 and 231 of 2017 to the 2nd respondent within a period of two weeks from the date of receipt of copy of this order. The 2nd respondent immediately on receipt of the case diary, shall proceed with the investigation effectively

and shall complete the same as expeditiously as possible and file the final report.

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

Sd/-
Assistant Registrar

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Sub Assistant Registrar

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To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Salem District, Nethimedu,
Salem.
2. The Deputy Superintendent of Police,
Salem Circle, Asthampatti,
Salem District.
3. The Inspector of Police,
Thalaivasal Police Station,
Attur, Salem District.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.K.Balasubramaniam, Advocate Sr.53681

CRL.OP No.23944 of 2017

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srg 05/08/2019

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