

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.01.2019

CORAM:
THE HON'BLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP.No.29464 of 2018

M.Periyasamy ... Petitioner /Defacto Complainant
Vs.

1.The District Superintendent of Police,
Villupuram District,
Villupuram.

2.The Inspector of Police,
Katcherapalayam Police Station,
Katcherapalayam, Villupuram District ...Respondent

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.PC to transfer the investigation on the petitioner's Complaint dated 01.11.2018 vide Crime No.610 of 2018 on the file of the 2nd respondent police to the Superintendent of Police, Villupuram District, the 1st respondent herein.

For Petitioner : Mr.C.Sakthivel

For Respondents: Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for transfer of investigation.

2. It is the case of the petitioner that he is the member of a co-operative Sugar Mill with Membersip No.6127. The accused person had misused the name of the petitioner and had impersonated the petitioner and withdrew the nomination made by the petitioner to contest in the co-operative election. Therefore, the complaint was given by the petitioner and the same was registered only for an offence under Section 294(b), 506(ii) IPC. According to the petitioner, the respondent police ought to have registered an FIR for an offence of forgery, impersonation and cheating. Since the same was not been done, the present petition has been filed.

3. The learned Additional Public Prosecutor on instructions would submit that the petitioner gave a further statement to the respondent police and the respondent police

instead of adding the offence in the pending FIR in Crime No.610 of 2018, proceeded further to register a fresh FIR in Crime No.7 of 2019 for an offence under Section 468 and 420 of IPC.

4. In the considered view of this Court, the respondent police ought not to have registered a fresh FIR and the pending FIR in crime No.610 of 2018 must have been altered by adding these offences. This Criminal Original Petition is disposed of with a direction to the 2nd respondent to close the FIR in Crime No.7 of 2019 and alter the existing FIR in Crime No.610 of 2018 by adding the offence under Sections 468 and 420 IPC and thereafter, proceed further with the investigation in Crime No.610 of 2018 and file a final report, as expeditiously as possible.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rka/vv2

To

1.The District Superintendent of Police,
Villupuram District,
Villupuram.

2.The Inspector of Police,
Katcherapalayam Police Station,
Katcherapalayam, Villupuram District

3.The Public Prosecutor,
High Court of Madras

+1cc to Mr.G.Sakthivel, Advocate, S.R.No.8240

Cr1.OP No.29464 of 2018

RSI (CO)

rrs 11/03/2019