



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Cr1.O.P. (MD) No.4516 of 2016

G.Christopher

.. Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The State Rep. by The Inspector of Police,
Anti Land Grabbing Section /
District Crime Branch,
Nagercoil, Kanyakumari District.
(Crime No.51 of 2014)

3.The Inspector of Police,
CBCID,
Nagercoil,
Kanyakumari District.

.. Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to directing the case in Crime No.51 of 2014 on the file of the Inspector of Police, Anti Land Grabbing Section / District Crime Branch, Nagercoil, Kanyakumari District to be withdrawn and transferred to any other agency more particularly the Inspector of Police, CBCID, Nagercoil, Kanyakumari i.e., 3rd respondent forthwith and further direct the investigation to be expedited and file the final report within a time frame as stipulated by this Court.

For Petitioner : Mr.S.Palani Velayutham

For Respondents : Mr.R.Anandharaj

Additional Public Prosecutor

ORDER

The petitioner has filed this Criminal Original Petition seeking transfer of investigation in respect of Crime No.51 of 2014 from the file of the Inspector of Police, Anti Land Grabbing Section, District Crime Branch, Nagercoil, Kanyakumari District, to the Inspector of Police, CBCID, Nagercoil, Kanyakumari.



2. According to the petitioner, the property in question belongs to his wife and alleging that the accused are trying to grab the same using forged documents, the petitioner has lodged a complaint before the second respondent Police. It is his case that though the complaint was registered in the year 2014, the second respondent police has not acted upon the same and therefore, he is constrained to approach this Court for transfer of investigation in the year 2016.

3. This Court, on 15.03.2016, while entertaining the petition, has directed the second respondent police to file a status report by 05.04.2016. But the status report, though signed on 04.04.2016, has been filed only today, ie., 08.04.2019. According to the learned Additional Public Prosecutor, the investigation in Crime No.51 of 2014 has been completed as early as on 26.02.2018, but they have not filed the final report in view of the pendency of this Criminal Original Petition.

4. On verification of records, it appears that no interim order has been passed in this case prohibiting the respondent police from conducting the investigation and filing the final report. But, the respondent police has not chosen to file the final report before the concerned Court till date. The learned Additional Public Prosecutor, on instructions, undertakes to file the final report in respect of Crime No.51 of 2014, on the file of the Inspector of Police, Anti Land Grabbing Section / District Crime Branch, Nagercoil, before the concerned Court on or before 26.04.2019.

5. Though such an act on the part of the second respondent Police will lead to serious consequences, this Court refrains itself from taking any action, in view of the undertaking given by the learned Additional Public Prosecutor.

6. In fine, recording the submission made by the learned Additional Public Prosecutor, this criminal original petition is closed. It is open to the petitioner to work out his remedy by challenging the said report, if need arises, in the manner known to law, before the concerned Court.

Sd/-

Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

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



2.The Inspector of Police, Anti Land Grabbing Section /
District Crime Branch, Nagercoil, Kanyakumari District.

3.The Inspector of Police,
CBCID, Nagercoil,
Kanyakumari District.

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-60153[F] dated
10/04/2019)

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tm/gk

JM/29.08.2019/3P/5C