



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.12818 of 2019

I.Living Prephet

...Petitioner

Vs.

1. The Superintendent of Police
Kanyakumari District
at Nagercoil

2. The State rep. By
The Inspector of Police,
Karungal Police Station
Karungal
Kanyakumari District

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to transfer the investigation of Cr.No.239/2019 from the file of 2nd respondent to some other unbiased police or competent agency to conduct fair and impartial investigation in accordance with law.

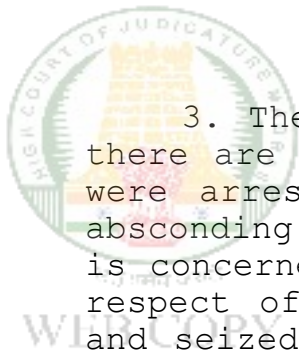
For Petitioner : Mr.K.P.Narayanakumar

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate(Crl.Side)

ORDER

This petition has been filed to transfer the investigation of Crime No. 239 of 2019 registered for offences under Sections 406,420,468,471 of IPC as against the four accused persons.

2. The learned counsel for the petitioner would submit that the car was initially handed over to the first accused who inturn fabricated false RC book in the name of the defacto complainant and mortgaged the same to other accused persons. Even then the second respondent after registering the complaint did not take any steps to recover the car from the accused persons and did not take proper action. Hence he sought for quashing the First Information Report.



3. The learned Government Advocate(Crl.Side) would submit that there are totally four accused in this case, in which A1,A2 and A4 were arrested and remanded to judicial custody and A3 is still absconding and they are yet to secure A3. Insofar as recovery of car is concerned it is in possession of A3 who is still absconding. In respect of other accused the respondent police have arrested them and seized certain documents. If the investigation is transferred to some other agency at this stage, it will affect the entire investigation done by the second respondent. Hence he opposed to transfer the investigation.

4. Hence the transfer of investigation cannot be considered at this stage. In the result, the Criminal Original is dismissed and the second respondent is directed to complete the investigation and recover the car from the accused persons and file final report within a period of three months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The Superintendent of Police
Kanyakumari District
at Nagercoil

2. The State rep. By
The Inspector of Police,
Karungal Police Station
Karungal
Kanyakumari District

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-87087[F] dated
17/09/2019

Crl.O.P.(MD) No.12818 of 2019
16.09.2019

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