



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.08.2019
CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.O.P. (MD)No.3687 of 2016

WEB COPY

R.Kamala

... Petitioner

Vs.

1.The Sub Inspector of Police,
District Crime Branch,
Madurai District.
In Crime No.34 of 2015

2.The Inspector of Police,
C.B.C.I.D of Police,
Madurai District,
Madurai.

3.The Inspector of Police,
Tallakulam Crime,
Madurai.

... Respondents

(R3 suo motu impleaded as per the
order of the Court made in Crl.O.P.(MD).No.3687 of 2016
vide order dated 01.04.2019.)

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the first respondent to hand over the case to the second respondent herein for fresh investigation, of the case registered in Crime No.34 of 2015 on 12.04.2015 and to pass an order of change of investigation.

For Petitioner	: Mr.K.Shanmuga Raja
For Respondents	: Mr.S.Chandrasekaran Additional Public Prosecutor

ORDER

This petition has been filed by the complainant in Crime No.34 of 2015 on the file of the Sub inspector of Police, District Crime Branch, Madurai District seeking transfer of investigation in respect of Crime No.34 of 2015 to the file of the Inspector of Police, CBCID of Police, Madurai District.

2.Heard the learned counsel appearing on either side.



3. The learned Additional Public Prosecutor has submitted that the respondent police has filed a status report, in which, it is stated that according to the petitioner/defacto complainant while purchasing a plot, the accused had given a sale deed agreement which was later found to be fraudulent as not being executed by the real owner of land. However, the accused convinced the petitioner and a sale deed was executed on 03.06.2010 through one N.K.Gokulan, who is the Power holder of the real owner, namely V.S.G.Prakash vide Document No.3385/2010 and the petitioner paid the full consideration amount. Thereafter, when the defacto complainant went to the land to start construction work, she got information that the said plot was already purchased by one Ayyanar from one Sumaya. The accused with an intention to cheat the defacto complainant executed a sale deed through a power agent and cheated a sum of Rs.7,95,000/- from the defacto complainant. The petitioner, therefore, moved a petition before the learned Judicial Magistrate No.1, Madurai, under Section 156(3) Cr.P.C to register a case against the accused. As per the order of the learned Judicial Magistrate No.1, Madurai, the District Crime Branch had registered a case in Crime No.34 of 2015 under Section 406, 420, 468 and 506(i) of IPC on 12.04.2015 and on 07.03.2016 and 12.03.2016, the defacto complainant and the accused were called upon by the District Crime Branch for enquiry and sample signatures from the accused were obtained. In the mean time, the accused Packiam and P.Mariyammal have obtained anticipatory bail in Crl.M.P.No.3746 of 2015 and Crl.M.P.No.3896 of 2015 before the Principal Session Court Madurai. Due to expansion of the outer-limit of Madurai Municipal Corporation, the whole occurrence comes under the territorial jurisdiction of Madurai City Police and hence, the Additional Director General of Police passed an order vide C.No.C1/008544/33/2016 dated 08.03.2016 to transfer the CD file from the file of the District Crime Branch, Madurai to the City Crime Branch, Madurai City and accordingly, the City Crime Branch police of Madurai City has registered a case in Crime No.61 of 2016 under Sections 406, 420, 468 and 506(i) of IPC. In view of the pecuniary jurisdiction that the City Crime Branch Police of Madurai City will conduct the investigation only if the valuation of case crosses Rs.25,00,000/- and above, this Case has been transferred to D-1 Tallakulam Crime Police by order dated 07.03.2017 vide C.No.C1/13272/2017.

4.The third respondent further submitted that separate crime number was assigned in D-1 Tallakulam Crime Police in Crime No.937 of 2019 under Sections 406, 420, 468 and 506(i) of IPC on 19.06.2016. After registering a case, they have also examined the defacto complainant and her husband Murugesan and recorded their Statements under Section 161(3) Cr.P.C., and they have also examined the Sub- Registrar of Chokkikulam and collected the original documents from his office. It is pointed out that they have sent sample signature of accused to Forensic Lab and requested a further time of eight weeks to examine some more witnesses; to collect the sample signature of accused to Forensic Lab and to conclude the investigation.



5.Considering the subsequent events and the steps taken by the D-1 Tallakulam Crime Police, this Court is of the view that no further orders is required to be passed in this petition.

6.In the result, this criminal original petition is disposed of with a direction to the respondent police to conclude the investigation and to file a final report within a period of eight weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

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In Crime No.34 of 2015

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Madurai District,
Madurai.

3.The Inspector of Police,
Tallakulam Crime,
Madurai.

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

Crl.O.P. (MD)No.3687 of 2016
26.08.2019

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