

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.28 of 2020

Durlop Chopra, (Male 69 Years),
S/o.D.R.Chopra,
AK35/A2, Second Floor,
Aishwarya Apartment,
8th Street, 11th Main Road,
AK Block, Anna Nagar,
Chennai - 600 040.

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by Assistant Commissioner of Police,
Criminal Crime Branch,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
Koyambedu Police Station,
Koyambedu, Chennai - 600 107.

3.The Inspector of Police,
T-4, Maduravoyal Police Station,
Maduravoyal, Chennai - 600 095.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to transfer the pending investigation with respect to Crime No.665 of 2012 for the offence committed by the accused under Sections 406, 420, 384, 471, 451, 506(ii) read with Sections 120-B and 34 of I.P.C on the file of the third respondent police to the first and second respondents to conduct fair, reasonable, impartial and unbiased investigation.

For Petitioner : Mr.P.C.Harikumar and Associates

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed to transfer the investigation in Crime No.665 of 2012 on the file of 3rd respondent to the respondents 1 and 2 herein.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the complainant. He lodged a complaint alleging that the accused persons fabricated the sale deeds and thereby committed the act of land grabbing. On receipt of the same, the 3rd respondent registered the FIR in Crime No.665 of 2012 for the offences punishable under Sections 406, 420, 384, 471, 451 and 506(ii) of IPC read with Section 34 of IPC. He further submitted that after registration of FIR, the 3rd respondent did not take any steps to arrest the accused persons in the manner known to law. In fact, the 3rd respondent allowed the accused persons to file repeated Anticipatory Bail before this Court. Though, this Court specifically directed the 3rd respondent to secure the accused persons in CrI.O.P.No.4163 of 2016 by an order dated 18.07.2016, the 3rd respondent did not take any step to secure the accused persons. The crime was registered in the year 2012 and it is pending even till today without conducting investigation. Therefore, the petitioner was constrained to file direction petition in CrI.O.P.No.25819 of 2016 for direction directing the 3rd respondent to file a final report. This Court also directed the 3rd respondent to complete the investigation and to file a final report within the period of two months from the date of receipt of copy of the order made in CrI.O.P.No.25819 of 2016 dated 23.06.2017. Despite this Court specifically directed the 3rd respondent, even till today the 3rd respondent did not file final report. Therefore, the petitioner could not get any fair justice from the hands of 3rd respondent and sought for transfer of investigation.

3.The learned Additional Public Prosecutor submitted that though the crime registered in the year 2012, the crime involves fabrication of documents and as such the 3rd respondent necessarily has to get opinion from the Forensic laboratory and hand writing experts. Now, the 3rd respondent almost completed the entire investigation and about to file a final report. Under these circumstances, the transfer of investigation would affect the entire investigation and sought for dismissal of this petition.

4.Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

5.Though this Court had given opportunity for the 3rd respondent to file status report as well as counter, the 3rd respondent failed to file any status report in respect of investigation in Crime No.665 of 2012. On perusal of records, the crime was registered in the year 2012 for the offences under Sections 406, 420, 384, 471, 451 and 506(ii) of IPC read with Section 34 of IPC as against seven accused persons. Though this

Court directed the 3rd respondent to complete the investigation and to file a final report in CrI.O.P.No.25819 of 2016 by an order dated 23.06.2017 within a period of two months, even till today, the 3rd respondent did not complete the investigation.

6.Considering the above facts and circumstances, it is appropriate to withdraw the entire case diary from the file of 3rd respondent and transfer the same to another investigation agency. Accordingly, the entire case diary in Crime No.665 of 2012 is hereby withdrawn from the file of the 3rd respondent and the same is transferred to the Criminal Crime Branch, Vepery, Chennai, the 1st respondent for further investigation. The 3rd respondent is directed to hand over all the entire case diary in respect of Crime No.665 of 2012 forth with to the 1st respondent. On receipt of the same, the 1st respondent is directed to depute an investigating officer and complete the investigation within the period of three months from the date of receipt of copy of this order and to file a final report.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi

To

1.The Assistant Commissioner of Police,
The State of Tamil Nadu,
Criminal Crime Branch,
Vepery, Chennai - 600 007.

2.The Inspector of Police,
Koyambedu Police Station,
Koyambedu, Chennai - 600 107.

3.The Inspector of Police,
T-4, Maduravoyal Police Station,
Maduravoyal, Chennai - 600 095.

4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s. P.C. Hari Kumar & Associates, Advocate, SR No. 30126

CrI.O.P.No.28 of 2020

MP(CO)
RN(11/11/2020)