

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.01.2020

CORAM

The HONOURABLE Mr.JUSTICE M.DHANDAPANI

Crl.O.P.Nos.31684 & 31685 of 2013 and 20190 of 2018
and
Crl.M.P.No.10778 of 2018
in CRL OP.NO.20190/2018

Crl.O.P.Nos.31684 & 31685 of 2013

N.S.Ziauddeen ...Petitioner

Versus

1.The Commissioner of Police,
Egmore, Chennai - 600 008. ...1st respondent in
Crl.O.P.Nos.31684 & 31685 of 2013

2.The Assistant Commissioner of Police,
Central Crime Branch,
(CC.Kr.Chit & FPP)
O/o Commissioner of Police,
Egmore, Chennai.
(Crime No.66 of 2012). ...2nd respondent in
Crl.O.P.Nos.31684 of 2013

3.The Central Bureau of Investigation,
By its Joint Director,
Shastri Bhavan,
Chennai - 600 006. ...3rd respondent
Crl.O.P.Nos.31684 & 31685 of 2013

The Inspector of Police,
Royapettah Police Station,
Chennai.
(CR no.35/2013) ...2nd respondent in
Crl.O.P.No. 31685 of 2013

PRAYER: These Criminal Original Petitions have been filed under Section 482 of Cr.P.C to transfer the investigation in Crime Nos. 66 of 2012, 35 of 2013, from the file of the second respondent to third respondent to investigate and to file final report in accordance with law within stipulated time.

For Petitioner : Mr.SU.Srinivasan

For R1 & R2 : Mr.C.Iyyapparaj
Additional Public Prosecutor

For R3 : Mr.K.Srinivasan
Special Public Prosecutor
[CBCID cases]

Crl.O.P.No.20190 of 2018:

B.Jayaraman

...Petitioner/
Sole Accused

Vs.

1.The State represented by
the Assistant Commissioner of Police,
Central Crime Branch,
CCC., K.R.Chit & FPP,
Chennai.

2.N.S.Ziauddin

...Respondents

PRAYER: These Criminal Original Petitions have been filed under Section 482 of Cr.P.C to call for the records relating to the CCB X Crime No.66 of 2012 pending on the file of Central Crime Branch Chennai, [CCC.K.R.Chit & FPP] and to quash the same as against the petitioner.

For Petitioner : Mr.C.M.Gunasekaran

For R1 : Mr.C.Iyyapparaj,
Additional Public Prosecutor

C O M M O N O R D E R

The learned counsel appearing for the petitioner in Crl.O.P.No.20190 of 2018 would submit that FIR in Crime No.66 of 2012 was registered on 01.02.2012 against him and even after lapse of six years, there is no progress in the investigation and the same is pending. Hence, the petitioner filed the above Crl.O.P., seeking to call for the records in Crime No.66/2012 and to quash the same as against him.

2. This Crl.O.P., has been filed before this Court in the year 2018. While entertaining the Crl.O.P., at the time of admission, this Court observed that "on reading of FIR, this Court does not find any prima facie materials. However, the

respondent police is directed to complete the investigation and file a report before this Court on 11.09.2018."

3. Even thereafter, the report was not forthcoming. At this stage, Mr.C.Iyyapparaj, learned Additional Public Prosecutor would submit that investigation will be completed within a period of four weeks.

4. Considering the above, this court directs the Law Enforcing Agency to complete the investigation in Crime No.66 of 2012 and file appropriate report within a period of four weeks from the date of receipt of a copy of this order. Crl.O.P..20190 of 2018, is disposed of accordingly.

5. As far as Crl.O.P.Nos.31684 & 31685 of 2013 are concerned, these Petitions have been filed by the complainant for transfer of the investigation of Crime Nos. 66 of 2012 & 35 of 2013 from the second respondent viz., Assistant Commissioner of Police, Central Crime Branch to the third respondent viz., the Central Bureau of Investigation, on the ground that the defacto complainant filed the said complaint before the respondent police for taking action against one Jayaraman, however, even after two years, the complaint was not acted upon.

6. Since the issue involved in the above complaint is between Police and the defacto complaint with regard to money transaction in between them, this Court is of the view that there is no need for transfer of the investigation from 2nd respondent to the 3rd respondent/CBI as it involves no serious matter for transferring the case. Hence, I am not inclined to order transfer of investigation. However, this Court directs the Law Enforcing Agency to complete the investigation in Crime Nos.66 of 2012 & 35 of 2013 and file appropriate report within a period of four weeks from the date of receipt of a copy of this order. Crl.O.P.Nos.31684 & 31685 of 2013 are disposed of accordingly. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Egmore, Chennai - 600 008.

2.The Assistant Commissioner of Police,
Central Crime Branch,
(CC.Kr.Chit & FPP)
O/o Commissioner of Police,
Egmore, Chennai.
(Crime No.66 of 2012).

3.The Central Bureau of Investigation,
By its Joint Director,
Shastri Bhavan,
Chennai - 600 006.

4.The Inspector of Police,
Royapettah Police Station,
Chennai.
(CR no.35/2013)

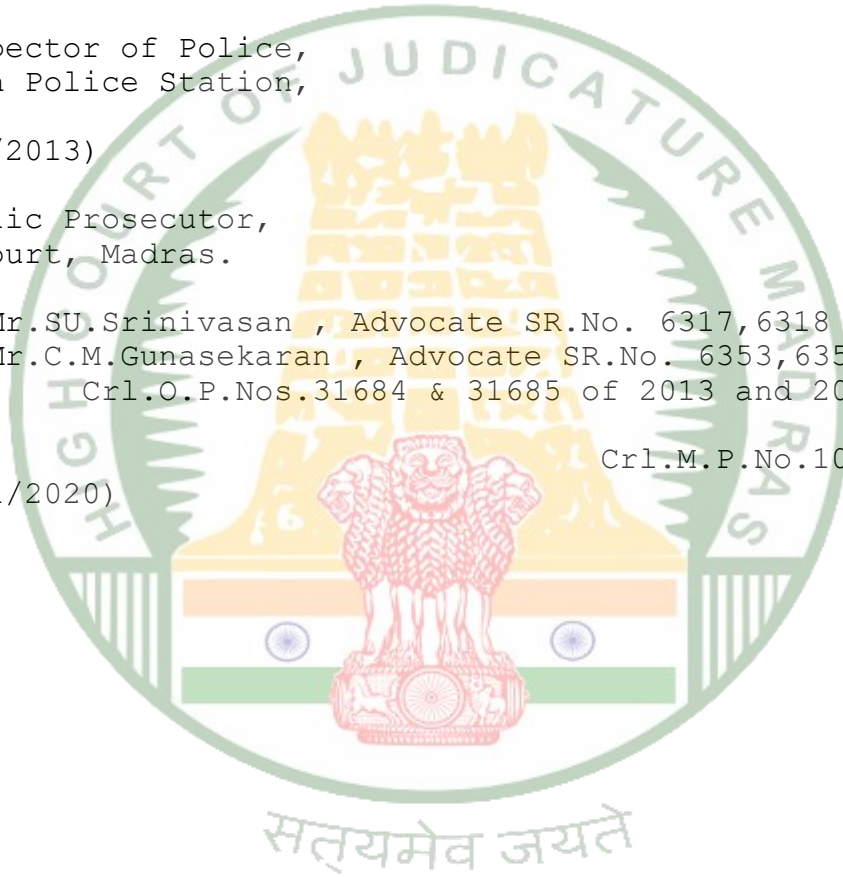
5.The Public Prosecutor,
High Court, Madras.

+2ccs to Mr.SU.Srinivasan , Advocate SR.No. 6317,6318

+2ccs to Mr.C.M.Gunasekaran , Advocate SR.No. 6353,6352

CrI.O.P.Nos.31684 & 31685 of 2013 and 20190 of 2018
and
CrI.M.P.No.10778 of 2018

A.SK(29/01/2020)



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