

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2020

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Criminal Original Petition No.32992 of 2013

Mr.Shivakumar,  
S/o.Thiru Marudhachalam.

... Petitioner

-VS-

The State,  
Represented by the Inspector of Police,  
B-8, VH Road (Crime) Police Station,  
Coimbatore.

.... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to transfer the case in Crime No.367 of 2013 on the file of the respondent Police to CBCID, Coimbatore or any other investigating agency.

For Petitioner : Ms.R.Anitha  
for M/s.S.Ramasamy Law Associates.

For Respondent : Mr.R.Ravichandran  
Government Advocate (Crl.Side)

O R D E R

The petitioner made a complaint before the respondent Police as against four persons, for the offence under Sections 406, 417, 420, 465, 468, 471 and 506(ii) IPC. The respondent police registered an F.I.R. In Crime No.367 of 2013 and conducted investigation. During investigation, the petitioner has filed the present petition to transfer the case from the file of the respondent Police to CBCID.

2.The learned counsel for the petitioner would submit that the petitioner and his wife borrowed money from one Tamilmani and Jagganathan, pledging some documents of the property standing in the name of the petitioner's wife. While lending money, the 3<sup>rd</sup> and 4<sup>th</sup> respondents have obtained signed blank cheques and signed blank papers. Since, the petitioner could not repay the loan on time, the accused 1 to 4 colluded with each other with an intention to grab the property of the petitioner, forged the documents and the plain cheques obtained from them. He further submitted that though the complaint was made in the year 2013, the respondent Police have not taken any steps to investigate the matter. Hence, the present petition has been

3.The learned Government Advocate (Crl.side) would submit

that investigation in Crime No.367 of 2013 has already been completed and charge sheet has also been laid in the year 2018 and the complaint itself was closed as "further action dropped". He further submitted that notice was also sent to the petitioner. Therefore, the prayer sought for in this petition has become infructuous.

4. Heard both sides and perused the records and the status report filed by the respondent Police.

5. It is seen that the relationship between the petitioner and the accused is debtor and creditors and there are financial transaction between them. Even the petitioner had earlier approached this Court in Crl.O.P.No.6517 of 2012 and the same was dismissed, as the case involves civil dispute and cannot be resolved through investigation. Suppressing that fact, the petitioner has filed the present petition. However, now the learned Government Advocate submitted that after investigation, charge sheet has also been filed. Since, no prima facie offence was made out, the complaint itself was closed as "further action dropped". Therefore, this Court does not find any merits in this petition to invoke Section 482 Cr.P.C.

6. Accordingly, this Criminal Original Petition is dismissed. If at all the petitioner is aggrieved, the petitioner can file appropriate application before the concerned Magistrate to get the copy of the final report and proceed further in accordance with law.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,  
B-8, VH Road (Crime) Police Station,  
Coimbatore.

2. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Ramasamy Law Associates, Advocate, S.R.No. 7948

Crl.O.P. No.32992 of 2013