

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.5463 of 2018

Sathish Shridar Modak,
Represented by his P.A.Kedhar Apte,
No.R.-16 Ruby, Prime Enclave Vistas,
Gandhi Nagar,
Tiruppur. ... Petitioner

Vs.

1.The Commissioner of Police,
Tiruppur District.

2.State represented by
The Inspector of Police,
Avinashi Police Station,
Tiruppur District.
(Crime No.257 of 2017) ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.
to transfer the investigation FIR in Crime No.257 of 2017 dated
12.04.2017 pending on the file of the respondent/police to some
agency.

For Petitioner : Ms.Valarmathi
for Mr.J.Franklin
For Respondents: Mrs.P.Kritika Kamal
Government Advocate
(CrI.Side)

ORDER

This case is taken up through video conferencing.

2. For understanding the case of the petitioner, it may be
appropriate to extract paragraph no.1 of the petition:

"1.The petitioner states that he is the owner of
the property in D.No.2/242, Vengamedu,
Velayuthapalayam, Mangalam Road, Avinashi, Tiruppur.
The 1st accused in Crime No.257 of 2017 approached the
petitioner's wife, for running of business in the said
property, accordingly, on 15.07.2010, an agreement was
entered between the petitioner's wife and the accused,

from the beginning itself the 1st accused was default in payment of rent, regarding which disputes arose between the petitioner and the 1st accused. And the petitioner's wife lodged a complaint before the respondent police, in which the 1st accused given a undertaking that he would repay the arrears of rent and would vacate the premises January 2016. But contrary the 1st accused suppressed the facts and filed Civil Suit before the District Munsiff Court, Tiruppur and the petitioner came to know that, the 1st accused produce a forged rental agreement, in which the petitioner's wife signature has been forged and accused 2 and 3 stood as witness to the agreement. Immediately the petitioner lodged a complaint before the respondent police, the respondent police refused to receive the complaint, hence this petitioner approached the Judicial Magistrate, Tiruppur, by a private complaint u/s.156(3), and the complaint was forwarded to respondent police FIR was registered u/s 120-B, 415, 417, 463, 464 and 468 IPC on 12.04.2017."

3. When the matter was taken up for hearing, Mrs.P.Kritika Kamal, learned Government Advocate (Crl.Side) submitted that pursuant to the directions of the Judicial Magistrate, Tiruppur, the police registered a case in Crime No.257 of 2017 for the offences under Sections 120-B, 415, 417, 463, 464 and 468 IPC and after completing the investigation, the police filed closure report as further action dropped on 26.02.2019 before the Judicial Magistrate Court, Avinashi.

4. This Court perused the FIR and the allegations made therein. In the opinion of this Court, this is not a fit case to transfer the investigation to any other agency. However, liberty is given to the petitioner to approach the Judicial Magistrate Court, Avinashi and file a protest application in Crime No.257 of 2017 within a period of four weeks from the date of receipt of a copy of this order and on such protest application being filed, the Judicial Magistrate, Avinashi, shall decide the same in accordance with law.

In the result, this criminal original petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsd

To

1.The Judicia; Magistrate,
Avinashi, tiruppur District.

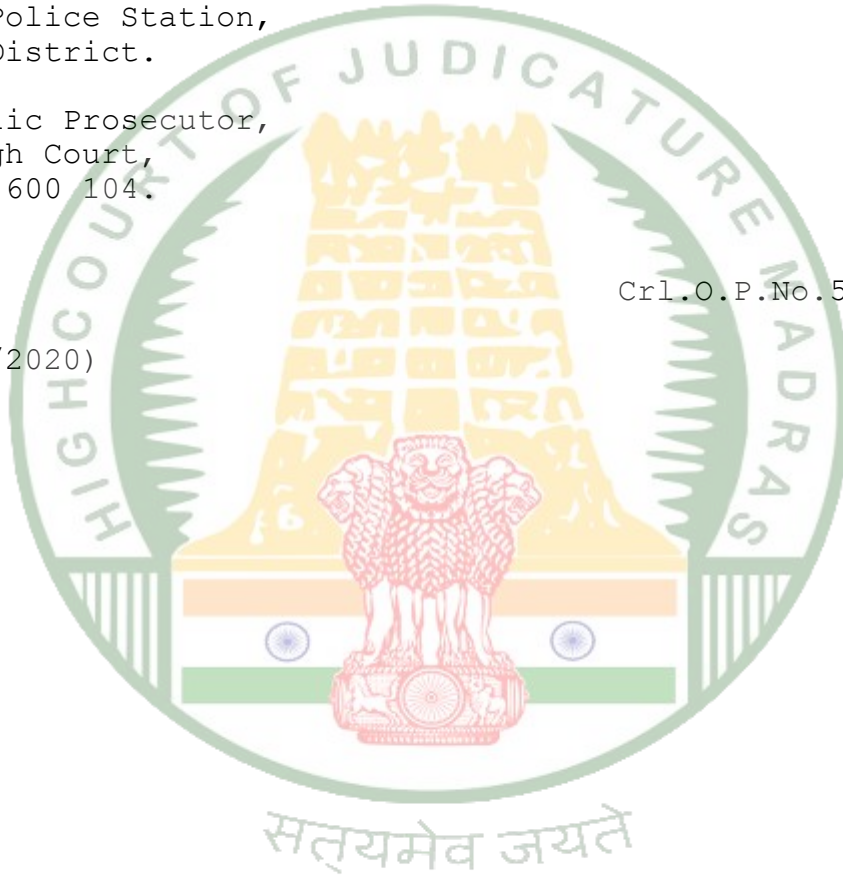
2.The Commissioner of Police,
Tiruppur District.

3.The Inspector of Police,
Avinashi Police Station,
Tiruppur District.

4.The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

VSNI (CO)
RMP (06/10/2020)

Crl.O.P.No.5463 of 2018



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