

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 11.03.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5588 of 2020

Association for the Welfare of persons
Affected by Sai High Value Properties,
Madipakkam,
A registered Society,
Rep. by its President K.Radhakrishnan,
No.4, 1st Street, Kurinji Nagar,
Perungudi, Chennai 600 096 ... Petitioner

Vs.

1. State represented by
Sub Inspector of Police,
Team No.4, Central Crime Branch,
Vepery,
Chennai 600 007
- 2.The Superintendent of Police,
Anti Corruption Bureau,
III Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam, Chennai-600 006 .. Respondents

Prayer : Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in X.Cr.No.577 of 2006 from the file of the first respondent herein to Central Bureau of Investigation or any other investigating agency and to direct the investigation to be undertaken and completed by Central Bureau of Investigation or any other investigating agency.

For Petitioner : ***Mr.A.Ramkumar**
For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to transfer the investigation in X.Cr.No.577 of 2006 from the file of the first respondent to Central Bureau of Investigation or any other investigating agency.

2. It is seen that on the complaint lodged by the petitioner, the first respondent already closed the same as mistake of fact and also filed charge sheet before the

Judicial Magistrate concerned. On receipt of the same, the petitioner filed protest petition and the same was also dismissed, and confirmed the final report of the first respondent. Aggrieved by the same, the defacto complainant challenged the order passed by the learned Magistrate before this Court in Crl.R.C.No.1146 of 2013 and by an order dated 23.11.2018, this Court ordered re-investigation and directed the first respondent to complete the investigation within a period of six months from the date of receipt of the order. Even till today, the first respondent did not complete the investigation for filing final report and as such he has come forward with the present petition for transfer of investigation.

3. The learned Additional Public Prosecutor submitted that the investigation is almost completed and they are about to ***file** final report. He further submitted that since the case is registered for the offences under Sections 406 and 420 of IPC, as such there are so many documents which have to be perused.

4. Considering the facts and circumstances of this case, it is found that at this stage, the transfer of investigation would affect the entire investigation pending on the file of the first respondent in Crime No.577 of 2006. However, the first respondent is directed to complete the investigation and file final report within a period of twelve weeks from the date of receipt of copy of this order. Further, the ***Deputy Commissioner of Police, CCB** is directed to monitor the investigation done by the first respondent and also ensure that the first respondent file final report within the time stipulate by this Court.

5. With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar(CS-IV)

Dated:26/05/2020

*Amended as per order dated 23/09/2020

made in Crl.O.P.No.5588 of 2020

Sd/-

Assistant Registrar(CS-IV)

Dated:30/09/2020

//True copy//

Sub Assistant Registrar

To

1. Sub Inspector of Police,
Team No.4, Central Crime Branch,
Vepery,
Chennai 600 007.

To be substituted
the order already
despatched on
05/06/2020

2.The Superintendent of Police,
Anti Corruption Bureau,
III Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam, Chennai-600 006

3.The Public Prosecutor
High Court of Madras,
Chennai.

***4.The Deputy Commissioner of Police,
CCB, Chennai.**

+1cc to Mr.A.L.Gandhimathi, Advocate **SR.No.31165**

Cr1.O.P.No.5588 of 2020

kk(CO)
mst(29/05/2020)

srg 30/09/2020



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