

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.5782 of 2020

J.Krishnan
S/o Jayaram
No.116, Naripatti, Kurangani
Bodinayakkanur, Kottakudi, Theni
Tamil Nadu - 625 582.

... Petitioner

Vs.

The Inspector of Police
E-2 Police Station, Royapettah
Chennai.

...Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Criminal Procedure Code, to direct the investigation in F.I.R No.411 of 2019 on the file of E2 Royapettah Police Station to be transferred to the file of the Central Crime Branch, Office of the Commissioner of Police, Chennai, for further investigation.

For Petitioner : Mr.Venkatesh Mahadevan

For Respondent : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

The petitioner is before this Court with the prayer to transfer the FIR No.411 of 2019 from the file of the respondent to the file of the Central Crime Branch, Office of the Commissioner of Police, Chennai, for further investigation.

2.The learned counsel for the petitioner would submit that the petitioner lodged a complaint before the respondent police and after receipt of the same, the respondent police did not take action. Therefore the petitioner was constrained to approach this Court by direction directing the respondent to register the complaint lodged by the petitioner in Crl.O.P.No.22358 of 2019. This Court by order dated 22.08.2019 directed the respondent police to register the complaint of the petitioner dated 17.07.2019. However no action has been by the respondent police to register the complaint. Hence the petitioner has filed the Contempt Petition in Cont.P.No.1778 of 2019 on 23.09.2019. While pending Contempt Petition, it is reported before this Court that the respondent police registered

the case in F.I.R No.411 of 2019 on the petitioner's complaint dated 17.07.2019. Even after registering the FIR, it is simply lying in cold storage and no action has been taken as against the accused persons. Therefore, the petitioner sought for transfer of investigation.

3.The learned Additional Public Prosecutor would submit that after registering the FIR, it is pending on the file of the respondent police for investigation.

4.On perusal of the records, this Court finds that the complaint lodged by the petitioner was registered only after the direction from this Court in Crl.O.P.No.22358 of 2019 dated 22.08.2019. It is also seen that the respondent did not take any steps to secure the accused persons and it is pending for investigation. Further it is clear that the dispute is with regard to grabbing of property belongs to the petitioner. Therefore, it would be appropriate to transfer the investigation of F.I.R No.411 of 2019 from the file of the respondent herein to the file of Central Crime Branch, Office of the Commissioner of Police, Chennai.

5.Accordingly, the F.I.R No.411 of 2019 is hereby withdrawn from the file of the the Inspector of Police, E-2 Police Station, Royapettah, to the file of the Central Crime Branch, Office of the Commissioner of Police, Chennai, for further investigation. The respondent herein is hereby directed to handover the case diary in Crime No.411 of 2019, forthwith to the file of the Central Crime Branch, Office of the Commissioner of Police, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

6.With the above direction, the Criminal Original Petition is disposed of.

Sd/-

सत्यमेव जयते Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Central Crime Branch, Office of the Commissioner of Police, Chennai.

2.The Inspector of Police
E-2 Police Station, Royapettah
Chennai.

3.The Public Prosecutor
High Court of Madras.

Cr1.O.P.No.5782 of 2020

NRL (CO)
RMP (03/09/2020)



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