

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl. O.P. No. 9241 of 2020

Anbazhagan,
S/o. Natarajan,
Karadekulam Village,
Udiarpalayam Taluk,
Ariyalur District.

..Petitioner

vs.

1. The Superintendent of Police,
Ariyalur,
Ariyalur District.
2. The Inspector of Police,
District Crime Branch,
Ariyalur District.
3. The Inspector of Police,
CBCID, Ariyalur,
Ariyalur District.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code praying to transfer the investigation in Crime No.2 of 2020 pending on the file of the second respondent and transfer the same to the third respondent herein and to file charge sheet.

For Petitioner : Mr. Sarath Chandran
for Mr.V.Illanchezian

For Respondents : Mr. S.Karthikeyan
Additional Public Prosecutor

ORDER

This Petition has been filed seeking transfer of investigation in Crime No.2 of 2020 pending on the file of the second respondent and transfer the same to the third respondent herein and to file charge sheet.

2. Learned counsel for the petitioner would submit that the petitioner has been cheated by the accused persons 1 to 3 to the tune of Rs.20,00,000/-. Therefore, he lodged a complaint before

the second respondent and the said case was not registered and no action had been taken against the said accused persons. In the meantime, the accused persons have approached the learned Principal Sessions Judge, Ariyalur, for anticipatory bail and the same was granted on certain conditions. Thereafter, the anticipatory bail was cancelled since the accused persons did not comply with the said conditions. Even then the second respondent did not register case given by the petitioner. Again the accused persons filed anticipatory bail petition before the lower Court and the same was rejected. After the order of the learned Judicial Magistrate I, Ariyalur, the respondent Police registered the complaint given by the petitioner in Crime No.2 of 2020 for the offences under Sections 294(b), 406, 120(b), 420 and 506(i) IPC. It is the case of the petitioner that, though, after registering the complaint, the respondent Police did not conduct any investigation. Hence, he seeks change of investigation from second respondent to third respondent by filing the present Criminal Original Petition.

3. It is curious to note that the accused persons approached the lower Court for anticipatory bail and the same was granted by the lower Court on certain conditions. Since the accused persons did not comply with the conditions imposed by the Court, the anticipatory bail was cancelled. Again the accused persons approached the lower Court seeking Anticipatory Bail and the same was rejected. Now again, the accused persons have approached the lower Court for anticipatory bail and the same is pending.

4. It is seen that the learned magistrate directed the second respondent herein to register and enquire the case as early as on 11.12.2017. Even though, the second respondent had not registered the case and also did not conduct any investigation by simply allowing the accused persons to file anticipatory bail petitions repeatedly. Therefore, this Court finds that it a fit case for transferring the investigation from the file of the second respondent to the file of the third respondent.

5. Accordingly, the entire case in Crime No. 2 of 2020 pending on the file of the second respondent is hereby withdrawn and the same is transferred to the file of the third respondent, forthwith. On receipt of entire case bundles, the third respondent is directed to complete the investigation and file a final report before the Court concerned, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Ariyalur,
Ariyalur District.
2. The Inspector of Police,
District Crime Branch,
Ariyalur District.
3. The Inspector of Police,
CBCID, Ariyalur,
Ariyalur District.
4. The Public Prosecutor,
High Court of Madras,
Madras.
5. The Principal Sessions Judge,
Ariyalur.

Cr1. O.P. No. 9241 of 2020

PP(CO)
RV(28/10/2020)

सत्यमेव जयते

WEB COPY