

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.08.2020
CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.12656 of 2020

K.Chinnappan,
S/o.Kondaiyan @ Rajamanickam,
D.No.H-806, Block-IV,
Ganapathy Maa Nagar,
Housing Unit, Ganapathy, Coimbatore. ...Petitioner
Vs.

The State represented by
1.The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.
2.The Inspector of Police,
City Crime Branch,
Crime Branch Office, Coimbatore.
3.Mr.Thangavelu,
S/o.Rangasamy,
No.806, HIG IV Block,
Ganapathy Manager,
Coimbatore. ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent to transfer the Crime No.1510 of 2019 from the file of the Inspector of Police, Saravanampatti Police Station, Coimbatore and to the file of Inspector of Police, City Crime Branch, Coimbatore.

For Petitioner : Mr.S.Nagarajan
For Respondents: Mr.S.Karthikeyan
Additional Public Prosecutor.

ORDER

This petition has been filed seeking for transfer of investigation from the file of the first respondent to any other investigation agency.

2.The learned counsel for the petitioner would submit that on the false complaint lodged by the third respondent, the first respondent registered the case in Crime No.1510 of 2019 for the offences under sections 448, 380, 506(i) IPC. In fact, the subject property is owned by the petitioner and he is very much in possession and enjoyment of the same. He also filed suit in O.S.No.1798 of 2015 on the file of the III Additional District Munsif Court, Coimbatore, for injunction and it is pending for trial. While being so, the 3rd respondent lodged false complaint as if the petitioner trespassed into

the property and committed an offence of theft. Without even conducting any enquiry, the 1st respondent mechanically registered the case as against the petitioner and also conducted investigation in a biased manner. Therefore, the investigation if continues with the file of the first respondent police, the petitioner would not get fair justice in the crime number registered as against the petitioner. Therefore, he sought for transfer of investigation from the file of the first respondent to any other investigation agency.

3. Per contra, the learned Additional Public Prosecutor submitted that on the complaint lodged by the third respondent, an FIR in Crime No. 1510 of 2019 has been registered as against the petitioner and another, in which, the petitioner is arrayed as A1. In fact, the petitioner filed the petition before this Court to quash the FIR in CrI.O.P.No.4204 of 2020 and this Court by an order dated 23.07.2020 was pleased to dismiss the quash petition and also directed the first respondent to complete the investigation and file a final report within a period of eight weeks from the date of receipt of a copy of this order. He further submitted that the petitioner is being an accused, he has no say in the investigation and he cannot pick the investigation officer. therefore, he sought for dismissal of this petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

5. Admittedly, the petitioner is an accused in Crime No.1510 of 2019. Though in the Civil Suit filed by the petitioner in respect of the subject property for injunction in O.S.No.1798 of 2015 on the file of the III Additional District Munsif, Coimbatore, the Court below did not pass any interim order for injunction. Therefore, the first respondent on receipt of the complaint from the third respondent, registered the case for offences under sections 448, 380 and 506(i) IPC. On the direction issued by this Court in CrI.O.P.No.4204 of 2020 by an order dated 23.07.2020, the first respondent is about to complete the investigation and file the final report. Further the petitioner is being an accused, he has no say in the investigation done by the 1st respondent. Therefore, the petition itself is devoid of merits and it is accordingly, dismissed. However, the petitioner is at liberty to produce all the documents in respect of the subject property before the 1st respondent for the purpose of investigation.

Sd/-
Assistant Registrar(CS III)

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To

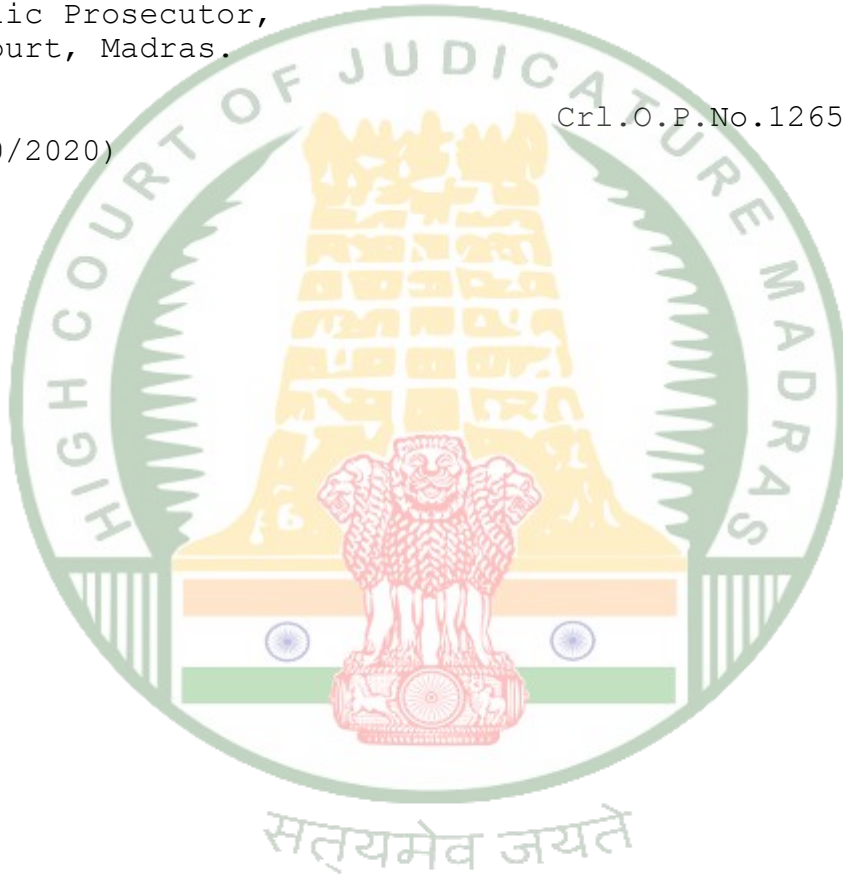
1.The Inspector of Police,
Saravanampatti Police Station,
Coimbatore District.

2.The Inspector of Police,
City Crime Branch,
Crime Branch Office, Coimbatore.

3.The Public Prosecutor,
High Court, Madras.

A.SK(07/10/2020)

Cr1.O.P.No.12656 of 2020



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