

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.13015 of 2020
and Crl.M.P.No.5072 of 2020

R.Varatharaj
S/o Late Ramasamykonar
Sudukattuthottam
Edayarpalayam, Kuniyamuthur
Coimbatore - 641 008.

... Petitioner

Vs.

1.The Commissioner of Police
Coimbatore City
Coimbatore.

2.The Superintendent of Police
CBCID
Chennai.

3.The Inspector of Police
D-4 Kuniyamuthur Police Station
Coimbatore - 641 008.
(Crime No.1166/2020)

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to transfer the investigation of the case in Crime No.1166 of

2020 on the file of 3rd respondent herein to the 2nd respondent/CBCID police and to file a final report.

For Petitioner : Mr.B.Kumarasamy
For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor.

ORDER

The Criminal Original Petition has been filed to transfer the investigation of the case in Crime No.1166 of 2020 on the file of 3rd respondent herein to the 2nd respondent/CBCID police and to file a final report.

2.The learned counsel for the petitioner would submit that the petitioner's property measuring 6.75 1/2 acres in S.F.No.46/1, 47/1B, 47/2, 48/2 and 49/1 in Kuniyamuthur village, Coimbatore, was illegally trespassed by the accused persons and completely damaged to the tune of Rs.20 Lakhs. Aggrieved by the same, the petitioner herein lodged a complaint before the the 3rd respondent, who in turn registered the case in Crime No.1166 of 2020 as against the accused persons. After

registering the FIR, no accused person was arrested till today and even without conducting any enquiry the complaint of the petitioner kept in cold storage. Therefore, he sought for transfer of investigation from the file of the 3rd respondent to the file of the 2nd respondent.

3.Per contra, the learned Additional Public Prosecutor would submit that on the complaint lodged by the petitioner, the 3rd respondent registered the case in Crime No.1166 of 2020 for the offence punishable under Section 147, 448, 342, 294(b), 506 (ii) of IPC and Section 3 of the TamilNadu Property (Prevention of Damage & Loss) Act, 1992 as against the 3 accused persons and also others. After registering the FIR, the respondent police so far arrested the accused Nos.4 to 7 and remanded them to judicial custody. They also seized the vehicles which were involved in Crime No.1166 of 2020. In which, 1 JCB, 1 car and 2 two wheeler have been seized from the accused persons. In so far as the accused persons 1 to 3 are concerned, they approached the sessions Court by way of anticipatory bail and it is dismissed. He further submitted that at this circumstance, if the investigation is transferred from the file of the

3rd respondent, the entire investigation, so far done will be affected and hence he prayed for dismissal of the Criminal Original Petition.

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

5.It is seen that after registering the FIR, the 3rd respondent arrested some of the accused persons and also seized the vehicles involved in the Crime No.1166 of 2020. At this juncture, transfer of investigation, from the file of the 3rd respondent will affect the entire investigation, so far done by the respondent police. Therefore, this Court is not inclined to transfer the investigation in Crime No.1166 of 2020 from the file of the 3rd respondent to the file of the 2nd respondent herein. However, the 3rd respondent is directed to complete the investigation by securing the remaining accused persons, in the manner known to law and file final report within a period of 12 weeks from the date of receipt of a copy of this order. The Deputy Commissioner of Police, Coimbatore city is directed to monitor the investigation done by

the 3rd respondent and also ensure that the 3rd respondent shall comply the order passed by this Court.

6.With the above direction, the Criminal Original Petition is disposed of. Consequently connected miscellaneous petition is closed.

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26.08.2020

Index: Yes/No
Internet: Yes/No

To

1.The Commissioner of Police
Coimbatore City
Coimbatore.

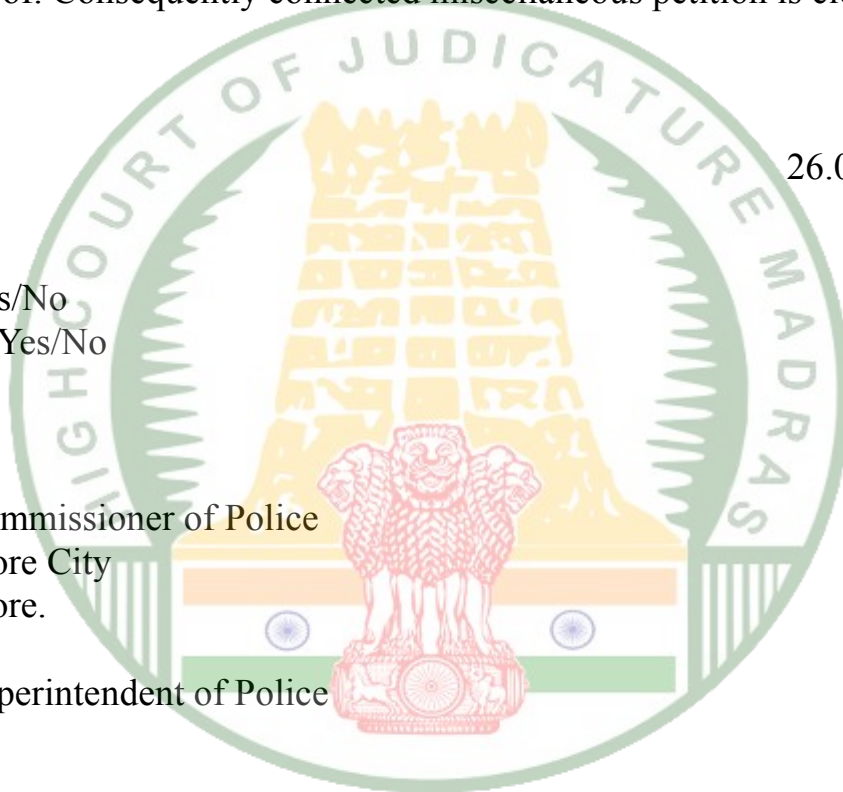
2.The Superintendent of Police
CBCID
Chennai.

3. The Deputy Commissioner of Police
Coimbatore.

4.The Inspector of Police
D-4 Kuniyamuthur Police Station
Coimbatore - 641 008.

5.The Public Prosecutor

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High Court of Madras.

G.K.ILANTHIRAIYAN, J.
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