

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:23.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.14895 of 2020

1. Syed Syameer, M/A 36 Years,
S/o.Late R.K.M.Sharbudeen
2. S.Anitha Farhana, F/A 43 Years,
D/o.Late R.K.M.Sharbudeen,
3. Sharifah Rabiathul Batharia, F/A 41 Years
D/o.Late R.K.M.Sharbudeen,
4. S.Sofia, F/A 38 Years
D/o.Late R.K.M.Sharbudeen,

All are residing at,
No.28, Sommerset Close,
Jalan Yaacob Latiff,
Bandar Tun Razak,
Kula Lumpur,
Malysia.

... Petitioners

Vs.

1. The Superintendent of Police,
Thiruvarur District, Thiruvarur.
2. Inspector of Police,
District Crime Branch,
Thiruvarur District.
3. Additional District General of Police,
CBCID, Pantheon Road,
Egmore, Chennai - 600 008.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to transfer the investigation in Na.Ka.G3/7091/19 dated 21.05.2019 on the file of 2nd respondent police to the 3rd respondent and consequently direct the 3rd respondent to appoint an officer to conduct the investigation and file a final report within a time frame fixed by this Hon'ble Court.

For Petitioners : Mr.R.Murugan

For Respondents : Mr.S.Karthikeyan,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed for transfer of investigation in Na.Ka.G3/7091/19 dated 21.05.2019 from the file of 2nd respondent police to the file of 3rd respondent herein.

2.The learned counsel appearing for the petitioners submitted that there are very serious allegations made in the complaint since the offence committed as against the Government to the tune of more than 1.5 crores by the officials while acquiring the land. Even then, the 2nd respondent did not even register the case and simply conducted the enquiry and get the matter into the cold storage.

3.Per Contra, the learned Additional Public Prosecutor submitted that it is a fit case for registering the FIR, but even then the 2nd respondent is proceeded with the enquiry under the current paper No.180/DCP dated 24.05.2019. It is seen that now the complaint is pending on the file of the 2nd respondent in current paper No.180/DCP for enquiry. Therefore, at the stage of enquiry, it cannot be transferred for investigation to some other agency. First of all, the police officials has to register the FIR and thereafter if any lapse on the part of the investigation, the petitioner can very well seek for transfer of investigation. However, the serious of allegations contained in the complaint, the 2nd respondent may be directed to register the FIR forthwith as against the accused persons and proceed with the investigation.

4.Heard the learned counsel appearing for the petitioners as well as the learned Additional Public Prosecutor appearing for the respondents.

5. In view of the submissions made by the learned Additional Public Prosecutor, the 2nd respondent is directed to register the FIR forthwith as against the accused persons and proceed with the investigation and complete the same as expeditiously as possible.

6. With the above direction, this Criminal Original Petition is Disposed of. The petitioner is always at liberty to seek transfer of investigation after registering the FIR, if so advised.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Thiruvarur District, Thiruvarur.
- 2.Inspector of Police,
District Crime Branch,
Thiruvarur District.
- 3.Additional District General of Police,
CBCID, Pantheon Road,
Egmore, Chennai - 600 008.
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.S.Ashok Kumar, Advocate in Sr.31075

Crl.O.P.No.14895 of 2020

CP(CO)
RV(06/10/2020)

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