



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.08.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

Cr1.O.P.[MD]No.8153 of 2020

N.Perumal ... Petitioner /Defacto Complainant
Vs.

1. The Superintendent of Police,
The Office of the Superintendent of Police,
Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai.
3. The Deputy Superintendent of Police,
C.B.C.I.D.,
Madurai.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to pass an order of transfer the investigation in Crime No.41/2019 pending with The Office of the Inspector, D.C.B., Madurai to the C.B.C.I.D., Madurai for proper investigation and further action against the accused persons.

For Petitioner : Mr.N.S.Karthikeyan
For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the first respondent to withdraw the investigation in Crime No.41 of 2019 pending on the file of the second respondent and to transfer the same to the file of the third respondent for proper investigation.

2.The learned counsel for the petitioner would submit that though the second respondent police had registered a First Information Report on 24.12.2019, till date none of the persons have been examined as witnesses. Accordingly, the second



respondent has not interested to complete the investigation and thereby, the change of investigation is necessary in Crime No.41 of 2019 registered for the offences punishable under Sections 120B, 294(b), 341, 406, 420, 465, 467, 468 and 506(1) of I.P.C.

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3.The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that after registration of the case, the second respondent herein examined four witnesses namely, Perumal, Murugan, Parasuraman and Vasantha and recorded their 161 Cr.P.C statements. He would further submit that during the time of investigation, the second respondent police recovered the documents relate to the trust, in which the alleged occurrence has been happened.

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

5.As per the direction given by this Court, the learned Additional Public Prosecutor has produced a copy of the C.D. file in connection with Crime No.41 of 2019 on the file of the second respondent police. On perusal of the C.D. file, it would disclose the fact that after registration of the case, the Investigation Officer had examined four witnesses and recorded their 161 Cr.P.C. statements. So, in the said circumstances, it cannot be held that the second respondent is keeping the First Information Report without any progress. However, considering the situation that the dispute is in regard to the trust property, this Court of the opinion to direct the first respondent, being the Superior Officer of the second respondent, to monitor investigation.

6.In view of the above, this Criminal Original Petition is disposed of with a direction to the first respondent to monitor the investigation in Crime No.41 of 2019 pending on the file of the second respondent.

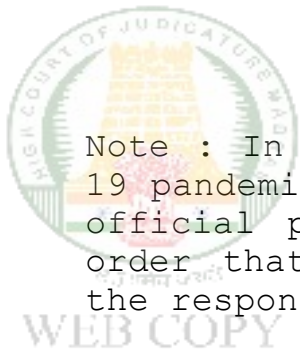
Sd/-

Assistant Registrar (CrI. side)

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/ /2020

Sub Assistant Registrar(CS)



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:-

1. The Superintendent of Police,
The Office of the Superintendent of Police,
Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai.
3. The Deputy Superintendent of Police,
C.B.C.I.D.,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.[MD]No.8153 of 2020
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