

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cr1.O.P No.593 of 2021

V.Seema

D/o.Late R.Varadarajan

..Petitioner

vs.

1. The Inspector of Police,  
Nallipalayam Police Station,  
Namakkal.

2. The Superintendent of Police,  
Crime branch CID,  
Namakkal.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the case in Crime No.84 of 2019 pending on the file of the 1<sup>st</sup> Respondent police and transfer the same to the 2<sup>nd</sup> respondent Crime Branch CID, Namakkal.

For Petitioner : Mr.A.M.Venkata Krishnan

For Respondents: Mr.M.Mohamed Riyaz

Addl. Public Prosecutor

ORDER

This petition has been filed seeking for transfer of investigation in Crime No.84 of 2019 pending investigation before the first respondent police.

2. The report has been received from the learned Judicial Magistrate I, Namakkal dated 15.03.2021. It is seen from the report that after the original Deed of Exchange was deposited before the court below, the defacto complainant had applied for certified copy of the same on 14.03.2009. Thereafter, he filed a memo on 03.06.2009 to inspect the original document and that was also permitted in the presence of the Head Clerk of the concerned court. The Head Clerk of the Court, namely Arulselven, had given a complaint on 12.03.2019 to the effect that the original document is missing from the court custody.

It is stated in the report that the court below has already issued a charge memo to the concerned Head Clerks who were working during the relevant point of time and the enquiry is pending.

3. The grievance of the petitioner is that there is absolutely no progress in the investigation conducted by the first respondent. Therefore, considering the seriousness of the issue, the present writ petition has been filed seeking for transfer of investigation to CBCID.

4. Heard Mr.A.M.Venkata Krishnan, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the Respondents.

5. The report received from the court below shows that there is already an enquiry initiated at the department level and the same is pending. Meanwhile, it is seen that there is no improvement in the investigation and it is remaining stagnant. In the present case, the original document that was handed over to the court has gone missing. This court has already directed the police to give necessary instructions to the Registration Department to ensure that no encumbrance takes place by misusing the original document and such instructions have already been given and the court below has also specified in the report that there is no encumbrance in the property till date.

6. In the considered view of this Court, this case requires an investigation by a specialized agency. This is more so since persons to be enquired are court staff. In view of the same, this Court is inclined to transfer the investigation to the CBCID.

7. The first respondent is directed to hand over the entire case diary to the Superintendent of Police, CBCID, West Zone, Namakkal District, within a period of two weeks from the date of receipt of a copy of this order. The Superintendent of Police, immediately on receipt of the case diary, shall allot the investigation to an officer in the rank of Inspector of Police, CBCID at Namakkal. The investigation shall be commenced immediately and shall be completed as expeditiously as possible and not later than six months from the commencement of the investigation. It is also made clear that the learned Judicial Magistrate I, Namakkal, shall continue with the enquiry and any vital information can be shared with the Investigating Officer. The learned Judicial Magistrate shall also closely co-ordinate with the Inspector of Police, CBCID and ensure that the investigation is completed within the time fixed by this Court.

8. This Criminal Original Petition is disposed of with the above directions.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

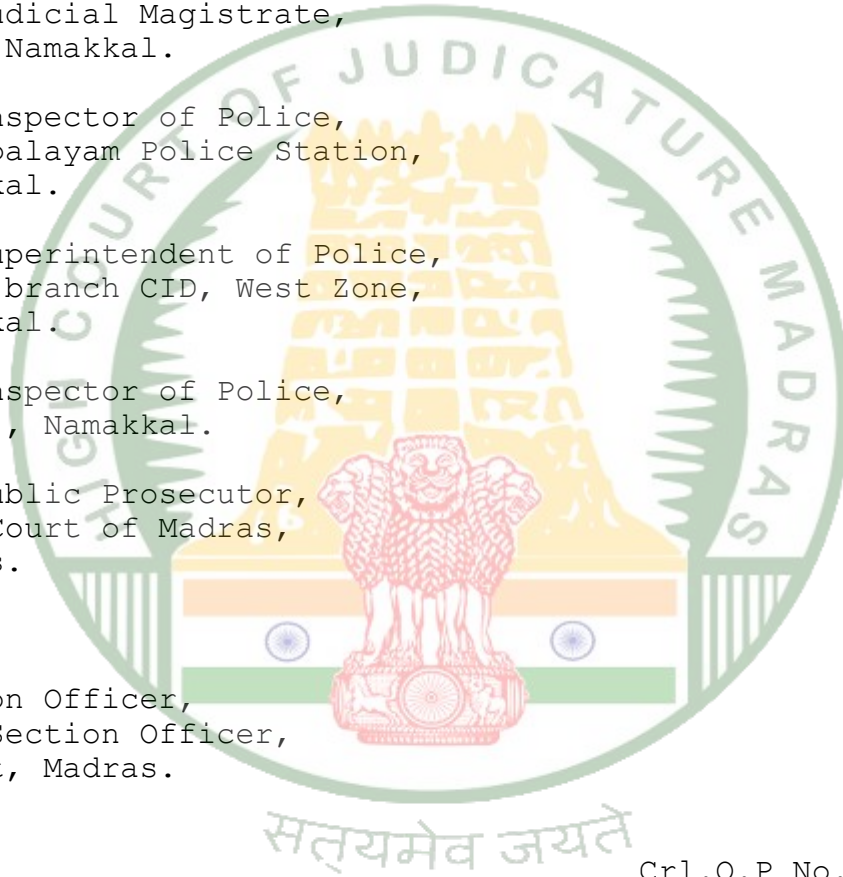
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To

1. The Judicial Magistrate,  
No.1, Namakkal.
2. The Inspector of Police,  
Nallipalayam Police Station,  
Namakkal.
3. The Superintendent of Police,  
Crime branch CID, West Zone,  
Namakkal.
4. The Inspector of Police,  
CBCID , Namakkal.
5. The Public Prosecutor,  
High Court of Madras,  
Madras.

Copy to

The Section Officer,  
Criminal Section Officer,  
High Court, Madras.



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GPL (CO)  
KKV/25/06/2021

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