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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.12.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.NO.20574 OF 2016

Nadigar Sangam Charitable Trust,
Rep by its Managing Trustee, M.Nasser,
G-1, Nanda Apartments,
No.21, Habibullah Road,
T.Nagar, Chennai - 600 017.

... Petitioner

.Vs.

1. The Inspector of Police,
CCB, EDF, Team - 1,
Office of the Commissioner of Police,
Veperi, Chennai - 600 007.

2. R.Radha Ravi

3. R.Sarath Kumar

... Respondents

(R2 is impleaded as per the order in
Crl.M.P.No.10238 of 2021, dated 04.10.2021)

(R3 is impleaded as per the order in
Crl.M.P.No;10239 of 2021, dated 04.10.2021)

PRAYER:-

Criminal Original Petitions are filed under Section 482 of Criminal Procedure Code to transfer the complaint dated 03.03.2016 pending on the file of the Respondent Police to any other independent investigating agency to conduct proper investigation.

For Petitioner : Mr.Krishna Ravindran

For Respondents : Mr.C.E.Pratap
Government Advocate (crl.side)
For R1

Mr.Edwin Jesudass for R2



ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation of petitioner's complaint dated 03.03.2016.

2. The grievance of the petitioner/Trust is that the petitioner/Trust has given a complaint with regard to misappropriation of funds against the earlier trustees. Even though the complaint has been given on 03.03.2016, investigation has not been conducted and First Information Report has not been registered so far and hence, the present petition has been filed.

3. This Court, by an order dated 15.12.2021 directed the first respondent/Investigating Officer to appear before this Court. Today, the first respondent, who is the Investigating Officer present before this Court and submitted that the petitioner's complaint has been treated as a petition enquiry and posted on 28.03.2016 for enquiry and the petitioner was requested to produce documents to substantiate the claim. Thereafter, the petitioner failed to produce documents to substantiate their allegations. Since there is no prima facie case made out in the complaint and it is also civil in nature, the complaint given by the petitioner was closed on 02.07.2016 directing the parties to approach the Civil Court.

4. Recording the submission made by the learned Government Advocate (Crl. Side), this Criminal Original Petition is closed. If the petitioner has any grievance against the closing of the complaint, the petitioner is at liberty to take appropriate remedy in the manner known to law.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Inspector of Police,
CCB, EDF, Team - 1,
Office of the Commissioner of Police,
Veperi, Chennai - 600 007.



2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Krishna Ravindran, Advocate, S.R.No.68798

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AD (CO)
PBS/11/01/2022