

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Cr1.O.P.No.19078 of 2018

Paul Jayakumar,
S/o Aruldas

... Petitioner

Vs.

1. State rep. By
The Inspector of Police,
Central Crime Branch-I,
Chennai.

2. The Superintendent of Police,
CBCID, Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, seeking to transfer the investigation in Crime No.222 of 2018 from the 1st respondent to the 2nd respondent for further investigation.

For Petitioner : M/s.M.soundar Vijay Arulram

For Respondents : Mr.Shanmuga Rajeswaran
Government Advocate for
R1 and R2

O R D E R

This Criminal Original Petition has been filed seeking direction to transfer the investigation in Crime No.222 of 2018 from the 1st respondent to the 2nd respondent for further investigation.

2. Learned counsel for the petitioner submits that the petitioner is the defacto complainant, who is a Pastor of Aposthalan Christian Church. He further submitted that one Devi and Thamotharan informed the Church Members that they, along with the Tamil Nadu Slum Clearance Board (TNHB), are about to construct houses at Ambattur and also informed the Church Members that they can allot the same to the individuals based on which, they collected Rs.11,000/- from 350 persons to the tune of Rs.38,50,000/- and assured to allot houses built by them

along with TNHB. Thereafter, they allotted Slum Clearance House to every members and issued fake allotment paper to every members and thereby cheated them. Hence, a case came to be registered in Crime No.222 of 2018 under Sections 420, 465, 468, 473 r/w.120 (B) IPC. Since no effective steps have been taken to investigate the case, no other option except to approach this Court by way of filing the present petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) for the respondents and perused the materials available in the typed set of documents.

4. Though the prayer sought for in this petition is for transfer of investigation from the file of the 1st respondent to the 2nd respondent, however, when the Court pointed out that but for the slackness in investigation, nothing adverse has been pointed out against the 1st respondent for the purpose of seeking transfer of investigation and, therefore, it would not be in the interest of either party to transfer the investigation from the file of the 1st respondent at this point of time, in this regard, learned counsel appearing for the petitioner submitted that in such circumstances, this Court may direct the 1st respondent/investigating agency to complete the investigation and file the final report within a time frame fixed by this Court.

5. Taking into consideration the entire factual matrix and also the fact that the crime pertains to the year 2018 and a period of four years have been passed since, this Court is of the considered opinion that the 1st respondent/investigating agency should be directed to complete the investigation within a prescribed period.

6. Accordingly, this petition is disposed of with a direction to the 1st respondent police to complete the investigation in Crime No.222 of 2018, pending on its file, within a period of six months from the date of receipt of a copy of this order, if not completed by now.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,

Central Crime Branch-I,
Chennai.

2. The Superintendent of Police,
CBCID, Chennai.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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baf 07/05/2021



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