



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 20.09.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.16732 of 2021

1.R.Pandiyan
2.P.KeerthanaPetitioners/Defacto Complainant

Versus

1.State Rep. by
The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

2.The Deputy Superintendent of Police,
Ponneri Range,
Tiruvallur District.

3.The Inspector of Police,
E-5, Sholavaram Police Station,
Tiruvallur District. Respondents/Complainants

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation of the case in Crime No.182 of 2021 from the file of the third respondent to any other investigating agency.

For Petitioners : Mr.A.Manojkumar
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This petition has been filed to transfer the investigation of the case in Crime No.182 of 2021 from the file of the third respondent to any other investigating agency.

2. The contention of the petitioners is that they parked the the vehicle bearing Reg.No.TN-18-AT-2943 in a Petrol Bunk and the same was missing from 15.03.2020. Hence, the first petitioner lodged a complaint on 15.03.2020, but the respondent police failed to issue CSR. Thereafter, they made enquiry and finally unable to trace the vehicle, the second petitioner sent a representation to the first respondent/the Superintendent of Police, Tiruvallur on 02.12.2020 and the same was forwarded to the third respondent and an FIR was registered on 01.03.2021.



3. It is the specific averment of the petitioners that due to non movement of vehicle, the petitioners failed to make monthly EMI till 04.02.2020. The vehicle is hypothecated with Sundaram Finance Limited, hence, they enquired the Finance Company whether they had seized the vehicle, but the Sundaram Finance Limited by their letter, dated 16.03.2020 informed that they had not repossessed the vehicle. Though the petitioner lodged a complaint on 15.03.2020, the third respondent after a lapse of 1 year filed FIR on 01.03.2021, but thereafter there is no progress at all for the past 6 months.

4. The learned Additional Public Prosecutor has submitted that in this case, the second petitioner has sent a complaint to the Superintendent of Police, Tiruvallur on 02.12.2020 and on 01.03.2021 an FIR has been registered in Crime No.182 of 2021 for the offence under Section 379 of IPC. He further submitted that the petrol bunk has CCTV recordings only for a period of six months. Earlier the third respondent had not received any complaint from the petitioners and hence, no CSR was assigned. He further submitted that the day on which the complaint of missing of vehicle was received, the respondent Police immediately visited the Petrol Bunk, collected materials including CCTV recordings and now the GPS do not respond. However, earnest steps will be taken by the third respondent to find out the vehicle. In any event, the final report will be filed within a period of three months.

5. Recording the same, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dna
To

1.The Superintendent of Police,
Tiruvallur District,
Tiruvallur.

2.The Deputy Superintendent of Police,
Ponneri Range,
Tiruvallur District.

3.The Inspector of Police,
E-5, Sholavaram Police Station,Tiruvallur District.

4.The Public Prosecutor,High Court, Madras.
+2 ccs to Mr.A.Manoj Kumar, Advocate Sr.NO. 16739

CRL.O.P.No.16732 of 2021

NMI (CO)

A.SK(20.10.2021)