



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.17325 of 2021

Karthic Chandren

... Petitioner

Versus

1.The Commissioner of Police,
132, EVK Sampath Road,
Vepery, Periyamet,
Chennai - 600 007.

2.The Superintendent of Police,
Chengalpattu District,
Hospital Road, Bypass Road,
Chengalpattu - 603 002 (Near Vidhyasagar College).

3.The Inspector of Police,
J-9, Thoraipakkam Police Station,
Chennai - 600 097.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to issue a direction to the first and third respondents to register a case on the complaint lodged by the petitioner dated 01.09.2021.

For Petitioner : Mr.V.L.Nehru

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to issue a direction to the first and third respondents to register a case on the complaint lodged by the petitioner dated 01.09.2021.

2.The contention of the petitioner is that the petitioner had lodged a complaint on 01.09.2021, against one Sundaravadivel, Sunil Kumar @ Sam, Keerthana and Peter Jeyachandran stating that he had been cheated in the dealer ship



of Cocacola, Washing Soap, Food Importing Car Spares and Assembling. Thereafter no action has been taken.

3.The learned Additional Public Prosecutor submits that on the preliminary enquiry, it was found that the amount involved in the Crime is to the tune of Rs.3 Crores. Since it is beyond the pecuniary powers of the third respondent police and the said complaint is to be enquired by the Economic Offence Wing (II) Chennai. Hence, the complaint was forwarded to the Superintendent of Police, EOW(II), Chennai. The Deputy Superintendent of Police, EOW(II) had conducted enquiry and found that the signatures of the petitioner was forged and there were fabrication of documents and huge sums of money misappropriated. As per the record the EOW police are not competent to conduct such investigation. In view of the same, the Deputy Superintendent of Police, EOW(II), Chennai had directed the petitioner to approach the CCB (Forgery Cell).

4.Further the same had been informed to the petitioner, who in turn acknowledged the same by his letter dated 23.11.2021. The copy of the letter of the Deputy Superintendent of Police, EOW(II), Chennai dated 24.11.2021 and the petitioner's letter dated 23.11.2021 and KYC particulars of one Keerthana, who said to have cheated the petitioner in conspiracy with other accused have been produced.

5.Considering the submissions and on perusal of materials, this Court finds that the act of transferring the said case from the file of the Deputy Superintendent of Police, EOW(II), Chennai to the file of the Commissioner of Police, Crime Branch, Forgery Cell cannot be accepted. In view of the same, the Deputy Superintendent of Police, EOW(II), Chennai is directed to register the FIR, if prima facie case is made out and also directed to proceed with the case, since EOW(II) is a stabilized agency who are dealing with commercial transactions. Forensic Department is common to all the Police Wings. Hence, he can avail the assistance of Forensic Department and proceed with the enquiry and complete the investigation as early as possible.

6.With the above directions, this Criminal Original Petition stands disposed of.

SD/-

ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



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To

WEB COPY

- 1.The Commissioner of Police,
132, EVK Sampath Road,
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- 2.The Superintendent of Police,
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- 3.The Inspector of Police,
J-9, Thoraipakkam Police Station,
Chennai - 600 097.
- 4.The Deputy Superintendent of Police,
EOW(II), Chennai.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.L.Nehru, Advocate Sr.61671

CRL.O.P.No.17325 of 2021

kg[col]
srg 16/12/2021