



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.12.2021

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.6031 of 2017

G.R.Prakash

..Petitioner

Vs.

1.State rep.by Superintendent of Police
C.B.C.I.D,
Egmore, Chennai 600 008.

2.Inspector of Police,
T-15, SRMC Police Station,
Porur, Chennai-600 116.

3.Mohan

4.Vasumathi

5.Anandhi

6.R.Srinivasan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, directing the 1st respondent to transfer the investigation to CBCID or any fair officer to investigate the case in Crime No.223 of 2005 dated 06.03.2005 pending on the file of 2nd respondent.

For Petitioner :Mr. Mohanasundararajan
for Mr.K.a.Dhanasekaran

For Respondents :Mr.S.Vinoth Kumar
Govt. Advocate(Crl.side) for R1& R2
Mr.V.Parthiban for R3 to R5
Mr.S.N.A.Hussainy for R6

ORDER

This Criminal Original Petition has been filed to direct the 1st respondent to transfer the investigation to CBCID or any fair officer to investigate the case in Crime No.223 of 2005



dated 06.03.2005 pending on the file of 2nd respondent.

2. This petition has been filed to transfer the investigation from the 2nd respondent to the CBCID for the various offences said to have been committed by the accused under Sections 294(B), 341, 448, 468, 471, 420, 506(ii) r/w 34 of I.P.C.

3. The crux of the allegation of the petitioner is that despite the direction of this Court, the second respondent has not completed the investigation in time, further, the Will produced before the Trial Court is also disbelieved by the Trial Court. Therefore, the investigation is to be conducted for the forgery of the document.

4. Learned counsel for the respondents submitted that the investigation is already completed and report has been filed on 06.11.2019 before the learned Judicial Magistrate I, Poonamalle stating that they filed a negative report and RCS notice has also been served on the petitioner herein.

5. In such view of the matter, when the negative report is already filed and RCS notice is also served on the petitioner, the petitioner ought to have filed the protest petition before the concerned Magistrate to establish their stand. Therefore, as a matter of right to transfer the investigation cannot be ordered.

6. The main grievance appears to be a civil dispute between the family members and the Civil Court has already decided the issue. Therefore, the question of handing over the investigation to CBCID does not arise at all. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

msv

To

1. The Superintendent of Police
C.B.C.I.D,
Egmore, Chennai 600 008.



2.The Inspector of Police,
T-15, SRMC Police Station,
Porur, Chennai-600 116.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Parthiban, Advocate SR.No.63073
+1cc to Mr.SNA.Hussainy, Advocate SR.No.63149
+1cc to Mr.K.A.Dhanasekaran, Advocate SR.No.63250

Crl. O.P. No.6031 of 2017

RR(CO)
GN(27/12/2021)