



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Cr1.O.P.No.8680 of 2017

S.Yuvarajan

...Petitioner

Vs

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai 600 007.

2.The Inspector of Police,
Central Crime Branch 16A,
Vepery, Chennai

...Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation of the case in crime No.57 of 2016 on the file of the 2nd respondent police to some other police station.

For Petitioner : Mrs.M.Kalyani

For Respondent : Mr.S.Vinodh Kumar
Counsel for Government
(Cr1 Side)

ORDER

This petition has been filed seeking to transfer the investigation of the case in crime No.57 of 2016 on the file of the 2nd respondent police to some other police station.

2. The case of the prosecution is that he is the absolute owner of the property situated at Old Door No.15, New No.37, Kannaiah Chetty Garden, 2nd street, Peravallur, Chennai 600 082 measuring to an extent of 2333 sq.ft and the same was obtained by the petitioner through his grandfather Kasirajan under a registered Settlement Deed dated 12.03.2008 registered as document No.1908 of 2008 in the Sub Registration Office, Sembium. Subsequently, the petitioner has changed the revenue records in his name relating to the above said property. While so, the petitioner's paternal uncle, K.Moorthy along with his son, both of them having common intention to grab the petitioner's property had executed a false and fabricated



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Settlement deed dated 09.07.2014 colluded with the Sub-Registrar, Sembium, registered as document No.2465 of 2014 in favour of his son. Therefore, the petitioner aggrieved by the said act, lodged a complaint with the 1st respondent on 12.11.2015. The petitioner alleges that the respondent police without conducting any enquiry, had directed the parties to work out their remedies before the Civil Court, since the matter is civil in nature. The petitioner approached the Chief Metropolitan Magistrate, Egmore and obtained an order in CrI.MP No.232 of 2016 dated 12.01.2016 to register a case based on the complaint. Accordingly, an FIR was registered for the alleged offence under Section 420, 465, 468, 471 r/w. Section 34 of IPC on 22.02.2016.

3. The learned counsel for the petitioner submitted that the respondent police is not even conducting the enquiry properly and protracted the enquiry wantonly by one reason or other. Even though, the petitioner sent a representation to the respondent on 13.10.2016 to the 1st respondent requesting them to change the investigation, no action has been taken by the respondent police.

4. The learned counsel appearing for the respondent submitted that the respondent police had enquired four witnesses and some more witnesses need to be enquired and therefore, prays for some more time to file a final report.

5. The counter affidavit has been filed by the respondent police. The relevant portions in the counter affidavit is extracted hereunder :-

11. It is submitted that the respondent conducted the investigation in a fair, free and impartial manner in accordance with law. All the mandatory provisions have been complied with by the respondent police during the course of the investigation. The respondent police registered the case and the investigation is going on in a proper way.

12. It is submitted that in order to complete the investigation. The respondent has to examine some more witnesses to unearth the real facts of the case. Only after completion of the above, we will be able to proceed further and lay a final report in accordance with law. For the reasons stated above, the case is under investigation. Hence, at this stage, there is no necessity to transfer the investigation in respect of Crime No.57/2016 as prayed by the petitioner in his petition.

6. Taking into consideration the facts and circumstances of this case, the relief sought for by the petitioner cannot be granted at this stage and accordingly, this Criminal Original



petition is dismissed with a direction to the respondent police either to complete the investigation and file a final report or the closure report, as the case may be, within a period of two weeks from the date of receipt of copy of this order.

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Sd/-
Assistant Registrar

// True Copy //

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Greater Chennai, Vepery,
Chennai 600 007.

2.The Inspector of Police,
Central Crime Branch 16A,
Vepery, Chennai

3.The Public Prosecutor,
High Court, Madras.

+1cc to M/s.M.Kalyani, Advocate SR.No.33566

Cr1.0.P.No.8680 of 2017

GPL(CO)
RVM(25/08/2021)