



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.18392 of 2021

WEB COPY

Ranjani

... Petitioner

Vs.

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

2.The Inspector of Police,
Othakadai Police Station,
Madurai.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the investigation of the case registered in Crime No.57 of 2021 on the file of the 2nd respondent to any other specified agency investigating Land Grabbing cases and further directing the agency to complete the investigation and file a charge sheet within the time stipulated by this Court.

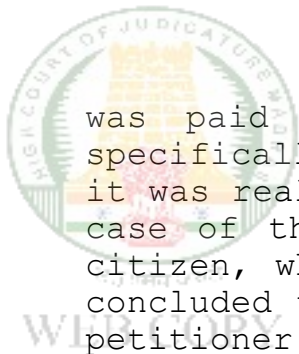
For Petitioner	:	Mr.G.Prabhu Rajadurai
For Respondents	:	Mr.T.Senthil Kumar, Addl. Public Prosecutor.

O R D E R

This criminal original petition has been filed seeking transfer of investigation in Crime No.57 of 2021 registered on the file the Inspector of Police, Othakadai Police Station for the offences under Sections 406, 420, 294(b) and 506(i) of IPC.

2.The FIR was registered on 03.02.2021. Contending that the investigation is not proceeding on the right lines, the petitioner has filed this criminal original petition.

3.When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the final report was made ready as early as on 05.02.2021 closing the case as "mistake of fact". I fail to appreciate the approach adopted by the investigation officer. It appears that even the accused was not enquired. The final report must have been prepared on the desk of the investigation officer. The petitioner is a senior citizen aged about 68 years. She asserts that she executed a sale deed but the sale consideration was not paid to her. In the sale deed, there is a reference to cheque bearing No.682423, Indian Bank. The simplest exercise, which the investigation officer should have undertaken was to summon the accused and find out as to how the sale consideration



was paid to the petitioner herein. Since a cheque has been specifically mentioned, it could have been very easy to find out, if it was really encashed by the petitioner or not. In any event, in a case of this nature, where cheating has been alleged by a senior citizen, who is also a woman, the investigation could not have been concluded within 1 ½ days. The non serving of final report on the petitioner for more than nine months is also giving rising some doubts regarding credibility of the investigation. Since as on date, the final report has not been filed before the jurisdictional Court, the second respondent is restrained from doing so. The investigation stands transferred to Anti-Land Grabbing Cell attached to the first respondent. The transferee officer shall conduct the investigation and file the final report on merits and in accordance with law within a period of four months. I make it clear that I have not gone into the merits of the matter. Nothing stated herein shall be deemed to cast any aspersion on the defence of the accused.

4.The criminal original petition is allowed accordingly.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Superintendent of Police,
Madurai District, Madurai.
- 2.The Inspector of Police,
Othakadai Police Station, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G. PRABHU RAJADURAI, Advocate (SR-35913[F]
dated 25/11/2021)

Crl.O.P(MD)No.18392 of 2021
24.11.2021

DJ(CO)
GC(10.12.2021) 2P 5C

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