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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl. O.P. No.9331 of 2022

Muniammal

... Petitioner

Vs

1. State
rep. By The Inspector of Police
Anti Land Grabbing Special Cell DCB
Tiruvallur District
Tiruvallur.

2. K. Subramani

3. Gurumurthi

4. Dinesh @ Dinesh Kumar

... Respondents

PRAYER :

Criminal Original Petition filed under Section 482 of Cr.P.C. to transfer the investigation of Crime No.84 of 2021 on the file of the respondent Police to any other investigation agency or any other District to ensure the fair and unbiased investigation.

For Petitioner ... Mr.A.Vijayasankar

For Respondents ... Mr.A.Gokulakrishnan
Additional Public Prosecutor
for R.1.

O R D E R

This Criminal Original Petition has been filed to transfer the investigation of Crime No.84 of 2021 on the file of the respondent Police to any other investigation agency or any other District to ensure the fair and unbiased investigation.

2. Heard Mr.A.Vijayasankar, learned counsel for the



petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the first respondent.

3. The learned counsel appearing for the petitioner submitted that the petitioner was originally appointed one Kuppan as Power Agent in the year 2005, by a registered document, bearing No.152 of 2005. The said Power Agent died in the year 2008. Thereafter, the petitioner has cancelled the Power of Attorney in the year 2009 and executed a settlement deed in favour of the petitioner by the registered Settlement deed on 9/4/2009. In the meanwhile, the legal heirs of the said Kuppan has created some document and sold the property on 6/4/2009 to A.1. Thereafter, A.1 has lodged the complaint on 2011 against the petitioner in F.I.R.No.1 of 2011, for the offences punishable under Sections 420, 468 and 471 rw. 34 of the Indian Penal Code.

4. Pursuant to the above complaint, the Police officials took the entire family members of A.1 and forced them to execute a sale deed in favour of the respondents 2 to 4 and hence they took them to the Sub-Registrar Office, Arani and registered it as cancellation deed as well as the sale deed in favour of A.1 to A.3. The Deputy Superintendent of Police and Sub-Registrar, Arani, were the perpetrators of the the crime. They have put the petitioner and his family members in extortion in obtaining certain documents. Hence the learned counsel appearing for the petitioner submitted that the first respondent will definitely show his bias attitude in investigating the Crime No.84 of 2021 lodged against the respondents 2 to 4 based on the petitioner's complaint.

5. Learned Additional Public Prosecutor appearing for the first respondent submitted that First Information Report was registered in the year 2011 and they have also proceeded, as per law even against the Police officials. Hence opposed to grant the relief sought for by the petitioner.

6. Having regard to the facts of the above case, when the main allegation is targeted against the Police officials, this Court is of the view that conducting the investigation by the same Police will not be fair. To avoid any further influence on the respondent Police, it is just and necessary to transfer the investigation to any other agency. To make it as fair investigation and to avoid any further influence on the respondent Police, this Court is of the view that investigation has to be transferred to some other investigating agency.

7. Accordingly, this Criminal Original Petition is allowed and investigation in Crime No.84 of 2021, pending on the file of the respondent Police is transferred to the Deputy Superintendent of Police, District Crime Branch, Tiruvallur. The



above investigation shall be monitored by the Superintendent of Police and investigation shall be conducted as expeditiously as possible.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Inspector of Police
Anti Land Grabbing Special Cell DCB
Tiruvallur District
Tiruvallur.
2. The Superintendent of Police, Tiruvallur.
3. The Deputy Superintendent of Police, District Crime
Branch, Tiruvallur.
4. The Public Prosecutor
High Court Madras.

+1cc to Mr.A.Vijayasankar, Advocate, S.R.No.37100

Crl. O.P. No.9331 of 2022

GPL(CO)
CT/08/07/2022