



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.7709 of 2022

Rithanya Chandrasekaran,
D/o.Chandrasekaran

... Petitioner/Defacto Complainant

Vs

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

2. The Assistant Commissioner of Police,
Guindy, Chennai - 600 032.

3. The Inspector of Police,
J-3 Guindy Crime Police Station,
Guindy, Chennai - 600 032.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., pleased to transfer the investigation in Crime No.75 of 2022 on the file of the first respondent from the Police to CBI by invoking Section 482 of Cr.P.C.

For Petitioner : Mr.Mohamed Riyaz

For Respondents: Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed, to transfer the investigation in Crime No.75 of 2022 on the file of the first respondent from the Police to CBI by invoking Section 482 of Cr.P.C.

2. The learned counsel for the petitioner would submit that the petitioner is the Founder and Chairman of the company named "Ruthra Trading" engaged in the business of online trading. Due to covid-19 outbreak pandemic, they were unable to run the business and thereby they were unable to return the investments made by their customers. Based on the complaint given by some of the customers, a case in Crime No.25 of 2021 was registered by the Inspector of Police, EOW No.2 (Economic Offence Wing), Chennai against the petitioner.



3. While so, the Investigation Officer in this case one Mrs.Jayachitra, Inspector of Police (EOW No.2) had directed the petitioner to furnish certain documents. Since, the petitioner was unable to open her office, she was also unable to comply with the direction of the Investigating Officer. Being antagonized by the same, the said Mrs.Jayachitra, Inspector of Police (EOW No.2), the Investigating Officer had instigated two persons Tamizh and Sekar to house break the petitioner's office and they had taken away all the computers and documents from the office of the petitioner. The petitioner's office was also ransacked by the aforesaid persons. When the petitioner came to know about the incident, on 26.10.2021 she had given a complaint in respect of the same to the Inspector of Police, J-3 Guindy Crime Police Station, Chennai. However, the respondent police without registering a case had only conducted enquiry in C.S.R.No.1230 of 2021. Thereafter, the petitioner had filed an application under Section 156(3) of Cr.P.C before the Metropolitan Magistrate Court, Saidapet, Chennai and the Magistrate Court directed the third respondent to register the case. Subsequently, a case in Crime No.75 of 2022 was registered and is now being investigated by the third respondent. He would further submit that the accused Tamizh had filed an application for anticipatory bail in Crime No.75 of 2022, before the Principal Sessions Court, Chennai, wherein he had filed an affidavit confessing and admitting that he did the offence only on the instigation and abettment of Mrs.Jayachitra, Inspector of Police (EOW No.2), Chennai.

4. While such being so, the said Mrs.Jayachitra, who is in the rank of Inspector of Police (EOW No.2) is wielding influence over the present respondents also, and the petitioner apprehends that there may not be a fair investigation and thereby the present petition has been filed seeking to transfer the investigation from the file of the third respondent police to some other agency.

5. The learned Additional Public Prosecutor would submit that the investigation is being done in a fair manner by the Sub-Inspector of the Police of the third respondent police station. However, if the petitioner has any grievance as against the Sub-Inspector of Police, there is no objection to appoint an officer in the rank of the Inspector of Police and he would further submit that the investigation shall also be monitored by a superior officer.

6. Heard both sides and perused the materials available on record.

7. Since the allegations are made against a person in the cadre of Inspector of Police, it would not be proper for the



Sub-Inspector to conduct investigation.

8. In view of the above, a direction is issued to the third respondent to take up the investigation in Crime No.75 of 2022 from the Sub-Inspector of Police. The investigation done by the third respondent is to be monitored by the Deputy Commissioner of Police, Adayar, Chennai and the final report shall be filed as expeditiously as possible, preferably, within a period of three months from the date of the receipt of a copy of this order.

9. This Criminal Original Petition stands disposed of with the above observation and direction.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rgm/arb

To

1. The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police,
Adyar, Chennai
3. The Assistant Commissioner of Police,
Guindy, Chennai - 600 032.
4. The Inspector of Police,
J-3 Guindy Crime Police Station,
Guindy, Chennai - 600 032.
5. The Public Prosecutor,
High Court of Madras.

+1cc Mr.K.Suthan, Advocate S.R.No.27762 (04/07/2022)

Cr1.O.P.No.7709 of 2022

SSN(CO)
CT 20/04/2022