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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NO.8148 OF 2022

N.Shanthi

... Petitioner

.Vs.

The State by
The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.
(Crime No.667 of 2021)

... Respondent

PRAYER:-

This Criminal Original Petition filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.667/2021 pending on the file of the respondent to the District Crime Branch, Namakkal District.

For Petitioner : Mr.K.Selvakumaraswami

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to transfer the investigation in Crime No.667/2021 pending on the file of the respondent to the District Crime Branch, Namakkal District.

2. The learned counsel for the petitioner would submit that the petitioner's husband had borrowed an amount of Rs.30,00,000/- from one Velu and as usual practice in the private finance business executed a Power of Attorney in respect of the property measuring 3.92 acres in Pallipalayam Village worth more than 30crores as security and had handed over the documents. It was assured by the said Velu that once the amount is returned the documents will be handed over and the power will be cancelled. While so, by misusing the Power of



Attorney given as security, the accused Velu had split up the property and sold to four persons. Coming to know about the fraudulent transaction, the petitioner and her husband had enquired the accused. The accused had induced them stating that if only the property in Pallipalayam Village measuring 1.70 acres worth the loan of Rs.30 lakhs be executed in his favour, he would re-convey the property measuring 3.92 acres to the petitioner. Believing the words of the accused the petitioner had executed a sale deed in respect of the property measuring 1.70 acres in Pallipalayam Village in favour of the accused. Whereas the accused had cheated the petitioner by not re-conveying the property measuring 3.92 acres in Pallipalayam Village. Due to the act of fraud and cheating committed by the accused, the petitioner's husband fell into depression and he passed away on 29.11.2021. The petitioner had given a complaint, based on which a case in Cr.No.667 of 2021 was registered by the respondent police for the offences under Section 174 Cr.PC and 420 IPC. Despite the case being registered on 29.11.2021, there is no progress in investigation. He would submit that the value of the property cheated is more than 30 crores. For a loan of rupees 30 lakhs the accused had fraudulently knocked a property valued at rupees 30 crores. Though, the accused is available in the same village and despite the dismissal of the application for Anticipatory Bail, the respondent/police is not taking any steps either to arrest him or to proceed with the investigation. The petitioner being a widow was called for by the respondent police again and again without any progress in the investigation. The respondent police is unable to understand the nature of offence and thereby it would be appropriate that if the case is transferred to the Inspector of Police, District Crime Branch, Namakkal, the petitioner would get some relief.

3. The learned Additional Public Prosecutor would submit that the case was registered on 29.11.2021 and the accused Velu had earlier approached this Court twice for anticipatory bail, the same was dismissed and now the third anticipatory bail is pending in CrI.OP.No.4284 of 2022. He would submit that the respondent is conducting the investigation in a fair manner.

4. At this juncture, the learned counsel for the petitioner would submit that the accused is very well available in the village and the respondent is not taking any steps to secure the accused, despite the anticipatory bail having been dismissed twice by this Court.

5. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and perused the materials available on record.



6. The case of the petitioner is that in the guise of giving a loan for rupees 30lakhs, the accused had induced her and her husband and taken documents worth rupees 30crores as security and later cheated them due to which her husband fell into depression and later died. The case had been registered in Cr.No.667 of 2021 and despite the anticipatory bail application of the accused having been dismissed twice the respondent police is not taking steps to arrest the accused. Further, it is stated that the accused is very much available in the village and there is no progress in the investigation.

7. In such circumstances, this Court is of the opinion that this case can be transferred to a specialised agency other than the local police who can be able to do effective investigation.

8. In view of the above, the investigation of the case in Cr.No.667 of 2021 now pending on the file of the respondent police is directed to be transferred to the file of the District Crime Branch, Namakkal.

9. The Superintendent of Police, Namakkal shall depute a competent officer in the rank of Inspector of Police, District Crime Branch, Namakkal to investigate into the matter and the investigation shall be monitored by the Deputy Superintendent of Police, (DCB), Namakkal. The investigation shall be completed as expeditiously as possible within a period of six months from the date of a receipt of a copy of this order.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

jas/tsh

To

1. The Superintendent of Police,
Namakkal District.
2. The Deputy Superintendent of Police (DCB),
Namakkal District.
3. The Inspector of Police,
Pallipalayam Police Station,
Namakkal District.



4. The Inspector of Police,
District Crime Branch,
Namakkal.

5. The Public Prosecutor,
High Court of Madras.

+3ccs to Mr.K.Selvakumaraswami, Advocate, S.R.No.30259

CRL.O.P.NO.8148 OF 2022

GMR (CO)
PBS/19/05/2022