

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2022

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.13542 of 2022

S.Purushothaman

...Petitioner

Vs.

1.The Inspector of Police,
Aminjikarai Police Station,
Chennai.
(Crime No.197 of 2022)

2.Porkodi

3.Indumathi

4.Moses

(R2 to R4 impleaded as per order
in Cr1.M.P.8411 of 2022 in Cr1.O.P.13542
of 2022 dated 29.06.2022)

...Respondents

PRAYER:Criminal Original Petition filed under Section 482 of Cr.P.C., to transfer the investigation in Crime No.197 of 2022 pending on the file of the respondent to any other agency for better investigation in the interest of justice.

For Petitioner : Mr.C.Rajan

For R1 : Mr.Leonard Arul Joseph Selvam
Government Advocate
(Criminal Side)

For R2 and R3 : Mr.V.T.Narendiran

For R4 : No Appearance

O R D E R

This Criminal Original Petition is filed under Section 482 Cr.P.C. to transfer the investigation in Crime No.197 of 2022 pending on the file of the respondent to any other agency for better investigation.

2.The main ground urged before this Court is that the petitioner was a tenant under the 2nd respondent. The 2nd respondent having filed a petition for eviction before the Rent

Control Proceedings, suffered dismissal order and the petitioner was forcibly thrown out from the premises despite the order of the Rent Control Proceedings. Thereby, the petitioner gave a complaint with the respondent police on 25.02.2017 and despite the said complaint, no action has been taken by the respondent police. Thereafter, at the intervention of this Court vide its order dated 28.01.2022 in CrI.O.P.No.1725 of 2022, F.I.R came to be registered on 28.03.2022. In the meantime, the 2nd respondent has created another lease deed in favour of the 3rd party. Therefore, It is the contention of the learned counsel for the petitioner that he has already filed a Suit for recovery of possession before the City Civil Court and merely due the slackness of the police in taking prompt action, he has been dispossessed. Hence seeks transfer of the investigation.

3.Learned Government Advocate (CrI. Side) would submit that investigation is almost over and they are ready to file a final report. He has not denied the fact that the investigation was started belatedly and that the F.I.R has been registered only at the intervention of the Court.

4.Considering the subsequent development that a new tenant agreement has been entered and further that there is impartiality shown in the investigation, the investigation in Crime No.197 of 2022 is hereby directed to be transferred to the file of the Inspector, Central Crime Branch, Chennai, to conduct further investigation in this matter and a final report to be filed expeditiously before the concerned Court.

5.This Criminal Original petition stands allowed accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To.

1. The Inspector of Police,
Aminjikarai Police Station,
Chennai.

2. The Public Prosecutor
High Court of Madras
Chennai 600 104.

3. The Inspector Central Crime Branch,
Chennai.

+5cc to Mr.C.Rajan, Advocate, S.R.No.47481, 47065

+1cc to Mr.V.T.Narendran, Advocate, S.R.No.47428

CRL.O.P.No.13542 of 2022

RGN(CO)
RGA(27/07/2022)