



CrI.O.P No.15036 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P No.15036 of 2021
and CrI.M.P. No.8200 of 2021

1. A.Jeyakumar
2. T.Joseph

... Petitioners

Vs.

1. The State rep. by
The Inspector of Police,
Crime Branch C.I.D.Metro Wing,
Egmore, Chennai – 08.

2. R.Rajesh

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for records culminating in the FIR in Cr. No.4 of 2021, pending on the file of the first respondent, i.e., The Inspector of Police, Crime Branch C.I.D. Metro Wing Police, Chennai., and quash the same.

For Petitioners : Mr.S.Sivakumar

For Respondent-1 : Mr.A.Damodaran
Additional Public Prosecutor

2 : Not ready in notice



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ORDER

This Criminal Original Petition is filed to call for the records pertaining to FIR in Cr. No.4 of 2021, pending on the file of the first respondent.

2. The first petitioner who is the seventh accused is a police constable the second petitioner is also a constable and was promoted as Head Constable in the year 2014.

3. The case of the prosecution is that the second respondent / *de facto* complainant had received money from one Venkatesh; unable to repay the debt to Venkatesh, the *de facto* complainant had sold his company to Venkatesh; during the month of May 2019, the *de facto* complainant was taken to Thirumangalam Police station and was threatened by the Inspector in the presence of one Shiva (A3), Kodambakkam Sri (A4) and other police officials and he was forced to transfer his property to Siva; however, that was prevented by the interference of his Advocates; when the *de facto* complainant was staying in a hotel room along with his fiancée, the police



took him from the hotel and confined him and his family members in a Farm House and coerced him to transfer the property; upon such threat the *de facto* complainant transferred his property in the name of one Krishna Prasad (A1) and thereafter, he was brought to Thirumangalam Police Station and one Ramesh to whom the *de facto* complainant had given the money to start the company was forced to give the money-due to one Venkatanaga Sivakumar.

4. The learned counsel for the petitioners submitted that the petitioners got no connection to the allegations made by the *de facto* complainant; the complaint is made with a malafide intention and no case has been made out on the FIR against the petitioners / accused 7 & 10.

5. On a perusal of the records it is seen that the investigation has been transferred to CBI. Since the investigation is transferred to CBI, there is a better scope for a proper and fair investigation. Since a thorough investigation is going to be undertaken, I feel the Criminal Original Petition can be disposed of by issuing direction to CBI to complete the investigation as early as possible.



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6. Accordingly, this Criminal Original Petition is disposed of with a direction to the CBI, to complete the investigation as expeditiously as possible. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking Order : Yes / No
bkn

To

1. The Inspector of Police,
N-1, Royapuram Police Station,
Chennai – 600 013.
2. The XVI Metropolitan Magistrate,
George Town, Chennai.
3. The Public Prosecutor
High Court of Madras.



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R.N.MANJULA, J.,

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