



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.NOS.15798 & 15801 OF 2021

1.M.Dhilip Kumar

Rep by his Father Power of Attorney M.Misrilal

...Petitioner in Crl.O.P.No.15798 of 2021

2.M.Misrilal

...Petitioner in Crl.O.P.No.15801 of 2021

-Vs-

1. State represented by

The Additional Director General of Police,
CBCID, Chennai - 08.

2. The Commissioner of Police,
Veppery, Chennai - 600 007.

... 1st and 2nd Respondent in Both Crl.O.Ps.

3. The Inspector of Police,
Team - 23, CCB Wing, EDF-III,
Commissioner Office,
Veppery, Chennai - 600 007.

...3rd Respondent in Crl.O.P.15798/2021

3. The Inspector of Police,
Team-3, CCB Wing,
EDF-II, Commissioner Office,
Veppery, Chennai-600 007.

...3rd Respondent in Crl.O.P.15801/2021

Prayer in 15798 of 2021 :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to transfer the investigation in Crime No.88/2017 from 2nd and 3rd respondent to the 1st respondent or any other investigation agency for conduct speedy investigation against the real accused.



Prayer in 15801 of 2021 :

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to transfer the investigation in Crime No.130/2019 from 2nd and 3rd respondent to the 1st respondent or any other investigation agency for conduct speedy investigation against the real accused.

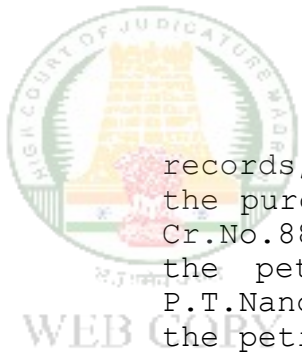
For Petitioners : Mr.K.Amsalekha
(in both CrI.O.Ps)
For Respondents : Mr.A.Gokulakrishnan
(in both CrI.O.Ps) Additional Public Prosecutor

COMMON ORDER

These Criminal Original Petitions have been filed seeking to transfer the investigation in Cr.Nos.88/2017 and 130/2019 from the file of the 2nd and 3rd respondents to the 1st respondent or any other investigation agency for conducting speedy investigation.

2.The learned counsel for the petitioners would submit that the petitioner in CrI.OP.No.15798 of 2021 is A5 in Cr.No.88/2017 registered by the 3rd respondent on the basis of the complaint dated 09.05.2016 given by one P.T.Nandagopala s/o.P.T.Parthasarathy. The case has been registered for offence under Sections 465, 467, 468, 471, 420 & 506(ii) IPC. The averments made in the complaint is that the accused by impersonation and fabrication of documents had grabbed the property admeasuring 4800sqft in Madipakkam and also criminally intimidated him.

3. The learned counsel would further submit that the petitioner is a NRI employed at Dubai and one Mohanasundaram represented that he is the owner of 3 Plots in Ram Nagar, Madipakkam, clear from all encumbrance and based on the representation made by the said Mohanasundaram, the petitioner through his father as POA had purchased the property in Plot No.1743 to an extent of 4800sqft in S.No.75, Patta No.13860, Patta Survey No.75/27, 75/28, 75/29 situated at Ram Nagar, Madipakkam by paying the sale consideration of Rs.1,60,00,000/- through proper bank transfer to the said Mohanasundaram. Apart from that amount, the petitioner has also given a sum of Rs.10,00,000/- by way of cash for patta transfer and mutation of revenue records. The learned counsel would submit that the sale deed was executed on 15.07.2016, only on verification of



records, the petitioner came to understand that even prior to the purchase of property i.e, on 15.07.2016. The complainant in Cr.No.88/2017 P.T.Nandhagopala had given a complaint implicating the petitioner, thereby creating a suspicion that the said P.T.Nandhagopala and P.T.Parthasarathy have colluded and cheated the petitioner.

4. Later, the petitioner coming to know that the said Mohanasundaram and his associates have cheated the petitioner had filed a complaint before the learned Judicial Magistrate - I, Alandur, Chennai under Section 156(3) Cr.PC and on the direction of the Judicial Magistrate, the case in Crime No.130/2019 has been registered by the Sub-Inspector of Police, EDF-2, CCB, Team 37 and it is pending investigation.

5. The first accused/Mohanasundaram applied for anticipatory bail before this Court and this Court while granting anticipatory bail to the first accused/Mohanasundaram in Crl.O.P.No.16717 of 2018 on 09.08.2018 had directed him to deposit a sum of Rs.80,00,000/- (Rupees Eighty Lakhs only) to the credit of Crime No.88 of 2017. Till date he has not deposited the amount and he is still absconding. The respondent had not taken any steps either to cancel the anticipatory bail or to secure the custody of the said Mohanasundaram. He would submit that despite the case having been registered during the year 2017 and 2019 in respect of the very same property, there is no progress in the investigation and the petitioner is being driven from pillar to post. Being dis-satisfied and aggrieved by the manner of investigation the present petitions have been filed seeking for transfer of investigation.

6. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that Cr.No.88/2017 pending on the file of the Inspector of Police, EDF 2, Team 21, CCB and Crime No.130/2019 pending investigation on the file of the Sub-Inspector of Police, EDF - 2, Team 37, CCB pertains to one and the same property. He would submit that either of the case has to be transferred to any one officer for investigation. He would further submits that Cr.No.88/2017 is being investigated by the officer in the rank of Inspector of Police, whereas the Cr.No.130/19 is investigated by the officer in the rank of Sub-Inspector of Police. He would further submit that if the case in Cr.No.130/19 is directed to be transfered to the file of the Inspector of Police, EDF 2, CCB, Team 21, the investigation would be carried out by the Inspector and the final report would be filed within a period of six months.

7. In view of the above, both the criminal original petitions stand disposed with a direction to the second respondent to take steps to transfer Cr.No.130/2019 pending on



the file of the Sub-Inspector of Police, EDF - 2, Team 37, CCB, Chennai to the file of the Inspector of Police, EDF - 2, Team 21, CCB, Chennai to be investigated along with Cr.No.88/2017 within two weeks from today. The Inspector of Police, EDF 2, Team 21, CCB, Chennai is directed to complete the investigation in both the cases and to file the final report as expeditiously as possible preferably within a period of six months from today. The Inspector of Police, EDF 2, Team 21, CCB, Chennai shall take into consideration, the grievance of the petitioner who is being represented by his father, who is a senior citizen. The Deputy Commissioner of Police, CCB-2, Chennai is directed to periodically monitor the investigation.

8. For reporting progress and to file status report, post on 18.04.2022.

Sd/-
Assistant Registrar(CS II)

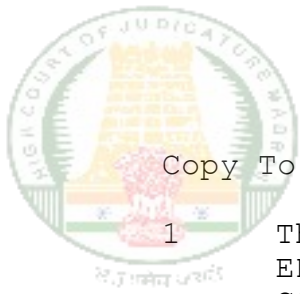
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Sub Assistant Registrar

jas/tsh

To

1. The Additional Director General of Police,
CBCID, Chennai - 08.
2. The Commissioner of Police,
Veppery, Chennai - 600 007.
3. The Inspector of Police,
Team - 23, CCB Wing, EDF-III,
Commissioner Office,
Veppery, Chennai - 600 007.
4. The Inspector of Police,
Team-3, CCB Wing,
EDF-II, Commissioner Office,
Veppery, Chennai-600 007.
5. The Deputy Commissioner of Police,
CCB - 2, Chennai.
6. The Public Prosecutor,
High Court, Madras.



Copy To

1 The Sub-Inspector of Police,
EDF-2, CCB, Team 37,
CCB Chennai.

2 The Inspector of Police,
EDF-2, CCB, Team 21,
CCB Chennai.

+1cc to Mr.S.Ramajuyam, Advocate, S.R.No.1094

Cr1.O.P.Nos.15798 & 15801 of 2021

PMK (CO)
PM/01/03/2022