



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.No.15725 of 2017

Crl.M.P.No.9804 of 2017

R.V.Sudharshan

... Petitioner

Vs

1. The State of Tamilnadu
rep. by the Inspector of Police,
City Crime Branch,
Coimbatore City, Coimbatore.

2. The Inspector of Police,
Organized Crime Unit, CBCID,
Coimbatore Range,
No.800, Avinasi Road,
A.R.Rural Police Quarters Compound,
Coimbatore - 641 018.
Crime No.70 of 2015

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to transfer the investigation in Crime No.70 of 2015 on the file of the first respondent police to the second respondent.

For Petitioner : Mr.E.Om Prakash, Senior Counsel
for Mr.K.S.Karthik Raja

For Respondents: Mr.S.Vinoth Kumar,
Government Advocate [Criminal Side]

O R D E R

This petition has been filed to transfer the investigation in Crime No.70 of 2015 from the first respondent to the second respondent.



2. The main grievance of the petitioner for seeking transfer of investigation is that the investigation officer has not conducted investigation properly and collected documents have not been submitted for sanctioning the complaint. The crux of the allegation is that the documents have been created as if the property has been subdivided and presented before the authorities for obtaining sanction.

3. This Court has directed the Assistant Commissioner of Police to investigate the matter and file a report. The Assistant Commissioner has filed a report indicating that originally documents submitted before the authorities also collected and investigation has been made.

4. The learned counsel for the petitioner would submit that even the status report indicate that the police had tried to close the case. Therefore submitted that there are contradictory statements in the status report.

5. This Court is of the view that every investigation cannot be as per the expectation of the parties. If the materials are collected by the investigation officer and the final report has been filed, it is for the concerned learned Magistrate to appreciate the materials and proceed further. Even if a negative report is filed by the Investigation Officer, if the petitioner is able to show that there materials to prove that the alleged offence is committed, he can agitate the same by way of protest petition. As the Investigation Officer has already collected materials, no further Orders is required in this petition. The Investigating Officer shall file the final report as per law.

6. With the above directions, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

vrc / kbs



To

1. The Inspector of Police,
City Crime Branch,
Coimbatore City, Coimbatore.
2. The Inspector of Police,
Organized Crime Unit, CBCID,
Coimbatore Range,
No.800, Avinasi Road,
A.R.Rural Police Quarters Compound,
Coimbatore - 641 018.

Crl.O.P.No.15725 of 2017
Crl.M.P.No.9804 of 2017

KSM(CO)
GMY(23/02/2022)