



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P. (MD)No.4554 of 2022

N.Pappathi

...Petitioner

Vs.

1. The State represented by
The Superintendent of Police,
District Police Office,
Karur District,
Karur.

2. The Inspector of Police,
District Crime Branch,
Karur District.
In Crime No.12 of 2012.

3. The Inspector of Police,
CBCID,
Karur District.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C.to order transfer the investigation in Crime No.12 of 2012 on the file of the 2nd respondent herein to the 3rd respondent or any other investigation agency.

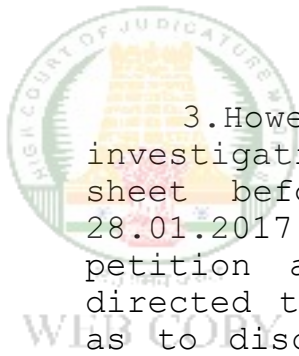
For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.R.M.Anbunithi
Additional Public Prosecutor (Criminal Side)

ORDER

This Criminal Original Petition has been filed for transfer of investigation, from the file of second respondent to the file of third respondent. Initially, the petitioner lodged a complaint before the second respondent and the same has been registered in Crime No.12 of 2012, for the offences punishable under Sections 420, 467, 471 and 506(i)IPC, that too after forwarded the complaint under Section 156(3) Cr.P.C.

2.The crux of the allegation is that the petitioner and his family members owned property admeasuring 25.87 acres, comprised in Survey No. 203/1, 341/1, 342/1, 343/1, 344/3, 345/B1, 377/B4. 366/3, 331/2, 378/B3, situated at Thennilai village, Karur. While being so, without any title over the property, the accused fabricated agreement for sale for the very same property, as if, he is the owner of the property.



3.However, the second respondent after completion of investigation closed the FIR as 'mistake of fact' and filed charge sheet before the learned Judicial Magistrate No.II, Karur on 28.01.2017. On receipt of the notice, the petitioner filed protest petition and the same was allowed and the learned Magistrate, directed the second respondent to conduct a detailed investigation as to discrepancy found in the stamp paper, which was used for agreement for sale dated 16.04.2017, with competent revenue officials.

4.However, the second respondent submitted report before the learned Judicial Magistrate dated 14.06.2019 stating that stamp paper came to treasury on 06.09.2007 and sold to one Pattabiraman. However, it is unidentified that to whom the said Pattabiraman, sold the alleged stamp paper, as he died as early as on 13.06.2013 and the alleged agreement for sale took place only on 14.04.2017. Therefore, second respondent only closed the investigation as 'mistake of fact' and filed referred charge sheet, before the learned Judicial Magistrate and again the learned Judicial Magistrate directed to enquire further.

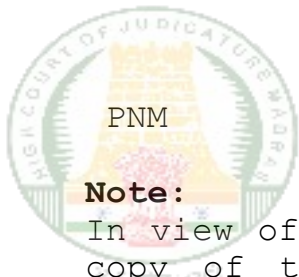
5.The learned Additional Public Prosecutor submitted report dated 21.01.2020, filed by the second respondent stating that the same offender one Pattabi Raman died on 13.06.2013 itself and further investigation is pending. Though, the learned Magistrate directed the second respondent to conduct further investigation, by an order dated 24.07.2018, for the past four years it is pending for investigation. It shows that the second respondent is not interested to deal with the matter, as already the second respondent completed the investigation and closed as 'mistake of fact'. In view of the above, it is a fit case for transfer of investigation, from the file of second respondent to the file of the third respondent.

6.Accordingly, the entire case in crime No.12 of 2012 is hereby withdrawn from the file of second respondent and transferred to the file of third respondent. The third respondent is directed to comply with the order passed by the learned Judicial Magistrate forthwith, on receipt of the entire bundle. The third respondent is directed to complete the further investigation and file the report before the learned Judicial Magistrate No.II, Karur, within a period of 12 weeks from the date of receipt of the entire bundle. The first respondent is directed to monitor the investigation done by the third respondent and ensure that the third respondent shall comply with the directions issued by this Court.

Sd/-

Assistant Registrar (CRL side)

// True Copy //



Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Judicial Magistrate No.II, Karur.

2. The Superintendent of Police,
District Police Office,
Karur District,
Karur.

3. The Inspector of Police,
District Crime Branch,
Karur District.

4. The Inspector of Police,
CBCID,
Karur District.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.KARUNANITHI, Advocate (SR-11317[F] dated
10/03/2022)

Crl.O.P. (MD)No.4554 of 2022

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