



WEB COPY



Crl.OP.No.2996 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.2996 of 2023

M/s.Budget Coffee
Rep by its Partner Michel Raj,
Mr.Michel Raj, Male 30 years,
BUCO Pvt. (Formerly Budget Coffee),
Survey No.18/A/13 Varadhapiri Koil Street,
Vandalaur-Kelambakkam Main Road,
Kilkottaiyur,
Chengalpattu District

... Petitioner

Vs.

State Represented by, Inspector of Police,
Thealambur Police Station,
Chengalpattu District.

....Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to transfer the investigation in Crime No.39 of 2021 on the file of Inspector of
Police, E-9 Thambur Police Station, Chengalpattu to some other competent
authority.

For Petitioner

: Mr.S.Suresh



Crl.OP.No.2996 of 2023

For Respondent

: Mr.S.Santhosh
Government Advocate(Crl.side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.39 of 2021 on the file of Inspector of Police, E-9 Thambur Police Station, Chengalpattu to some other competent authority.

2. The learned counsel for the petitioner submitted that petitioner is a tenant under one Inbavalli W/o. G.Dhandapani. Petitioner paid advance of about Rs.5 lakhs and also spent around Rs.20 lakhs for converting the house. On 30.07.2020, the accused broke open the shop and taken the articles worth about Rs.2 lakhs. In this regard, petitioner gave a complaint, since no FIR was registered, he filed Crl.O.P.No.3992 of 2021 before this Court seeking direction to register the FIR on the petitioner's complaint dated 31.07.2020. Before disposal of the petition, respondent registered the First Information Report in Crime No. 39 of 2021 for the offence under Sections 447, 318 & 506(ii) of IPC. After investigation, final report was closed stating that “complaint allegations are not correct”. Thereafter, closure report was also served to the petitioner. Challenging the said report, petitioner filed Crl.M.P.No.9664 of 2022 before the



Crl.OP.No.2996 of 2023

learned Judicial Magistrate, Chengalpattu. The learned Judicial Magistrate considering the materials produced and also considering the submissions of both the parties, directed the respondent Police to conduct further investigation in Crime No.39 of 2021 and file a detailed report regarding further investigation in this case. This order was passed on 27.10.2022. However, till now, respondent police have not taken any steps for further investigation in this case. Therefore, present petition is filed.

3. The learned Government Advocate (Crl. Side) submitted that, pursuant to the order of the learned Judicial Magistrate, Chengalpattu, summons had been sent to the petitioner on 09.01.2023 for appearance. He further submitted that further investigation would be conducted and report would be filed soon.

4. Recording the submissions of the learned Government Advocate (Crl. Side), this Court directs the respondent to conduct further investigation and file a report before the concerned Judicial Magistrate within a period of four weeks from the date of receipt of copy of this order.



Crl.OP.No.2996 of 2023

5. In this view of the matter, this Court is of the view that, it is not necessary to order transfer of investigation in this case.

6. Accordingly, this Criminal Original Petition is dismissed.

10.02.2023

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order

Sma

To

4/6



Crl.OP.No.2996 of 2023

1.Judicial Magistrate,
Chengalpattu,

2. Inspector of Police,
Thealambur Police Station,
Chengalpattu District.

3.The Public Prosecutor
High Court of Madras

G.CHANDRASEKHARAN,J.



WEB COPY



Crl.OP.No.2996 of 2023

Sma

Crl.O.P.No.2996 of 2023

10.02.2023