



WEB COPY

Crl.O.P.No.23204 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23204 of 2023

S.Dhanasekharan

... Petitioner

-VS-

- 1.The State represented by
The Commissioner of Police,
CCB-1, Greater Chennai Police,
Vepery, Chennai 600 007
- 2.The Deputy Commissioner of Police
CCB-I, Greater Chennai Police,
Vepery, Chennai 600 007.
- 3.The Inspector of Police
CCB-I, Greater Chennai Police,
Vepery, Chennai 600 007.

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the respondent police to transfer the investigation from the Inspector of Police, Central Crime Branch-I (CCB-I), Chennai to any other competent authority in Crime No.99 of 2023 dated 26.04.2023.



For Petitioner : Mr.V.Rajasekar

For Respondents : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)

ORDER

The petition filed to transfer the investigation from the file of 3rd respondent to any other authority since the Inspector of Police attached to CCB not competent to investigate the case involving fraud of more than Rs.5 Crores whereas the complaint in Crime No.99 of 2023 been in respect of fraud in connection with property transaction worth more than Rs.50 Crores. That apart, a specific allegation is made in the petition stating that even though the bail petition filed by the accused persons was withdrawn on 26.09.2023, the defacto complainant/petitioner herein was called by the respondent police and forced to sign the document as if he is not pressing for further enquiry. After taking a letter by force and cohesion, the respondent police, instead of investigating the case due to political pressure tried to give quietus to the complaint.

2. The learned Government Advocate (Crl.side) for the respondent police by producing the daily status of Metropolitan Court for Exclusive Trial of CCB cases submitted that a referred charge sheet in RCS.No. 4 of 2023 has been



filed before the Court on 20.11.2023 and notice to the complainant has been sent for his appearance on 04.12.2023.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the respondents police and perused the materials available on record.

4. With the above given facts, this Court on perusing the petition signed on 29.09.2023 and filed before the Registry of this Court on 29.09.2023 came up for admission on 10.10.2023. At the request of the learned Government Advocate (Crl.side), the matter was adjourned to 31.10.2023 and thereafter, the matter could not be listed. Today(24.11.2023), when the case is taken up for consideration, it is reported on the side of the respondent police that they have filed referred charge sheet on 20.11.2023 i.e., 4 days ago and notice to the complainant has been sent for his appearance on 04.12.2023.

5. In all fairness, the Investigating Officer who have taken notice for application for transfer of investigation ought not to have filed final report when there is a specific allegation against him that final report based on the alleged withdrawal letter of the complainant. When there is specific allegation in the



transfer petition, the said withdrawal letter was obtained by force and coercion.

For that singular reason, the conduct of the Investigating Officer need to be reprimanded. Be that as it may, since the complainant has retracted the letter dated 26.09.2023, it is appropriate to ignore the said letter of the withdrawal of the complaint and investigation to be continued to reach the logical end. Since the present Investigating Officer had not shown necessary alacrity and discipline expected from the police force, it may not be appropriate to allow him to continue to the investigation and henceforth. Hence, the petition for transfer is allowed.

6. In this case, it is appropriate to transfer the investigation to some other Investigating Officer and hence, the 2nd respondent, the Deputy Commissioner of Police, CCB-I is directed to take necessary steps for conducting appropriate investigation in Crime No.99 of 2023 which has been abruptly closed as 'mistake of fact' based on the alleged letter given by the complainant. The investigation shall be completed within a period of four months from the date of receipt of a copy of this order.

7. With the above directions, this Criminal Original Petition is disposed



of.

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24.11.2023

Internet : Yes/No

Index : Yes/No

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To

1. The Commissioner of Police,
CCB-1, Greater Chennai Police,
Vepery, Chennai 600 007
- 2.The Deputy Commissioner of Police
CCB-I, Greater Chennai Police,
Vepery, Chennai 600 007.
- 3.The Inspector of Police
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Dr.G.JAYACHANDRAN, J.



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