



WEB COPY

Crl.O.P.No.24221 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24221 of 2023

and

CrI.M.P.No.16887 of 2023

P.S.Chezhan

... Petitioner

-VS-

1.The Deputy Commissioner of Police,
CBCID, Metro Wing,
Egmore, Chennai-08.

2.The Inspector of Police,
CBCID, Metro Wing,
Egmore, Chennai-08.

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to transfer the investigation in Crime No.07 of 2023 on the file of the respondent police (i.e. CBCID-Metro-Chennai Police Station, Chennai) to any other investigating agency.

For Petitioner : Mr.Ali Hassan Khan

For Respondents : Mr.S.Udaya Kumar,
Government Advocate (Crl.Side)



The petitioner herein is the defacto complainant. Initially, the complaint was investigated by the local police, thereafter, on his petition, the High Court has transferred the investigation to CBCID from Poonamallee Police Station.

2. The apprehension of the petitioner is that some of the accused in this case are practicing Advocates and therefore, the investigation even by CBCID, Metro, Chennai may not done in proper manner. Pointing out one incident that one of the witness for recording Section 164 of Cr.P.C statement before the learned Magistrate was brought by accused himself to the Court. Therefore, apprehending that the investigation is not going in the right direction seeks indulgence of this Court to call for the records and verify whether the investigation is on the right direction and if not, transfer the same to some other Agency.

3. The learned Government Advocate submitted that investigation already completed, papers are ready and in a weeks time final report will be filed.

4. On considering the apprehension expressed by the petitioner herein who is the defacto complainant, this Court finds that earlier when very same apprehension was made, it was considered by this Court and transferred the investigation from the Poonamallee Police Station to CBCID, Metro which is a specialized Agency for investigating the case of this nature. The reason for transfer as submitted by the learned counsel for the petitioner, if taken into



consideration, then the said reason i.e., some of the accused are practicing Advocates, will be applicable to any Investigating Agency in India. Hence, this Court finds no reason to entertain this transfer petition, therefore, petition is dismissed. Consequently, connected Miscellaneous Petition is also dismissed.

16.11.2023

Index : Yes/No

Neutral Citation : Yes/No

rkp

To

1.The Deputy Commissioner of Police,
CBCID, Metro Wing,
Egmore, Chennai-08.

2.The Inspector of Police,
CBCID, Metro Wing,
Egmore, Chennai-08.

3.The Public Prosecutor,
High Court of Madras, Chennai.

Dr.G.JAYACHANDRAN, J.



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