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CrI.O.P.No.6105 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2024

CORAM

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

CrI.O.P.No.6105 of 2023

S.A.Bhimaraja

... Petitioner

Vs.

1.The Commissioner of Police – II,
Tambaram Commissionerate,
Sholinganallur,
Chennai – 600 119.

2.The Deputy Commissioner of Police,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur,
Chennai – 600 119.

3.The Inspector of Police, (ALGSC)
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

4.R.Mohan Ranganathan

... Respondents

4th respondent impleaded as per order
dated 17.04.2023 made in
CrI.M.P.No.4582 of 2023 in
CrI.O.P.No.6105 of 2023



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PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., prayed to direct the 1st respondent to transfer the file in Crime No.9 of 2021 dated 07.10.2021 pending on the file of the respondents 2 and 3 to the CB-CID or any other appropriate agencies for fair and proper investigation.

For Petitioner	: Mr. K. Mahalingam
For R1 to R3	: Mr. L. Baskaran Govt. Advocate (Crl. Side)
For R4	: Mr. D. Selvam

ORDER

This Criminal Original Petition has been filed by the petitioner / senior citizen of quite advanced age against the three respondents who could be categorized as three separate police officials and also against the 4th respondent, who is a private individual.



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2.This petition has been filed under Section 482 Cr.P.C., seeking to transfer the investigation in FIR in Crime No.9 of 2021, which had been registered on 07.10.2021 pending on the file of the 2nd and 3rd respondents namely, the Deputy Commissioner of Police, Central Crime Branch, Tambaram Commissionerate, Sholinganallur, Chennai – 600 119 and the Inspector of Police (ALGSC) Central Crime Branch, Tambaram Commissionerate, Sholinganallur, Chennai – 600 119 to the CB-CID or any other appropriate agency.

3.The issue had come up earlier before this Court on 13.02.2024, wherein this Court had opined that it would only be appropriate that the petitioner takes recourse to Section 226 of the Constitution of India, particularly, when a relief is sought to transfer the investigation from one agency to another agency.

4.It must also be readily stated that in several matters, learned Single Judges and also the Division Bench had transferred the investigating agency exercising the authority given under Section 482 Cr.P.C. But still, the



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Court exercising jurisdiction as a Constitutional authority would be more appropriate to take a decision on this aspect.

5. When that opinion was expressed, the petitioner herein had subsequently, filed W.P.No.5517 of 2024 seeking the very same relief.

6. In view of that particular fact, no further orders are required in this petition. Accordingly, this Criminal Original Petition stands dismissed.

7. Since, the issues raised in W.P.No.5517 of 2024 are also the same, and also since this Court had noted that the petitioner is a senior citizen of advanced age, the Registry may retain the records in Crl.O.P.No.6105 of 2023 in the bundle only to refer to the documents filed along with that petition, when W.P.No.5517 of 2024 is taken up for adjudication.

8. However, the learned Judicial Magistrate – II, Chengalpet, is directed to examine the purport of the orders of the High Court passed in W.P.No.10771, 11735, 12509 of 2021 and W.M.P.No.13281 of 2021 and Crl.O.P.No.4751 of 2021 and Crl.M.P.No.3785 of 2021 and Crl.R.C.No.233



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of 2021 and the closure report filed in Crime No.9 of 2021 and pass final orders in the closure report on or before 12.04.2024. If the learned Judicial Magistrate – II, Chengalpet, has not assigned any date for the closure report then, he may re-post it once again on 21.03.2024 on which date, it is stated by the learned counsels that the allied petition in Crime No.22 of 2023 has been posted for consideration, wherein closure report had also been filed.

07.03.2024

smv

To

- 1.The Judicial Magistrate – II, Chengalpet.
- 2.The Commissioner of Police – II,
Tambaram Commissionerate,
Sholinganallur,
Chennai – 600 119.
- 3.The Deputy Commissioner of Police,
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur,
Chennai – 600 119.

C.V.KARTHIKEYAN, J.



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4.The Inspector of Police, (ALGSC)
Central Crime Branch,
Tambaram Commissionerate,
Sholinganallur, Chennai – 600 119.

5.The Public Prosecutor,
High Court of Madras.

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