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CrI.O.P.No.16037 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.16037 of 2024

Dr.Vishnupriya

... Petitioner

Vs.

1.State Rep.by
The Director General of Police,
O/o.the Director General of Police,
Chennai.

2.State Rep.by
The Additional Director General of Police (L&O),
O/o.the Director General of Police,
Chennai.

3.State Rep.by
The Commissioner of Police,
O/o.the Commissioner,
Veppary, Chennai.

4.State Rep.by
The Inspector of Police,
F-2, Egmore Police Station,
Chennai-600 008.

5.The State Rep.by
The Inspector of Police,
CBCID, Chennai.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal



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Procedure Code, pleaded to direct 1st and 3rd respondent to transfer the investigation pending in Crime No.7 of 2024 on the file of the 4th respondent to the 5th respondent to conduct the investigation without any delay in the manner known to law and to take appropriate action as expeditiously as possible.

For Petitioner : Mr.Krishna Ravindran
for Mr.J.Jawahar

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police.

2. It is a case where the petitioner, who is the real owner of the property, been cheated by a group of persons by creating false documents by impersonation and leased out the apartment to one Jayasree and the possession is with Jayasree. Based on the said fabricated and forged document, a complaint dated 08.01.2024 registered in Crime No.7 of 2024, before Egmore Police Station for offence under Sections 406, 419, 420, 467, 468 & 471 and been taken up for investigation.



3. From the counter, this Court finds that the apartment owned by the complainant's husband was actually rented out to one Brindha and her husband Ganesh Kumar. From September 2023, the complainant did not receive the rent from their tenant. When she visited the apartment, she found that the apartment was in occupation of one Jayasree. When she enquired, the said Jayasree informed that she has paid Rs.8,00,000/- as lease advance and showed lease agreement. The said lease document is a fabricated document and therefore, police has arrested A1 Ganesh Kumar, the original lessee impersonated as the owner of the property and leased out the premises to Jayasree after receiving Rs.8 lakhs. Based on the confession statement, he had been arrested and remanded judicial custody and also detained under Goondas Act. The other accused namely, Brindha, Santhosh Kumar and Usharani are at large. Whereas, Brindha, W/o.Ganesh Kumar has obtained anticipatory bail and Santhosh Kumar's anticipatory bail petition is pending before the High Court. In the counter, it is stated that the matter is under investigation and attempts are made to secure the absconding accused.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submits that except arrested 1st accused, the main perpetrator of the crime, who has impersonated and beneficial of the



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crime not been secured and the property taken away from the petitioner fraudulently not been restored to her. Therefore, seeks for change of investigation.

5. This Court, after taking note of the fact and the in action on the part of the respondent police not properly investigated the matter, finds it appropriate to transfer the investigation to CBCID police. The Inspector of Police is directed to transfer the investigation file forthwith to the CBCID. The Additional Inspector General of Police, CBCID shall allot the case to appropriate team to investigate and proceed.

6. With the above direction, this Criminal Original Petition is disposed of .

30.07.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Director General of Police,
O/o.the Director General of Police,
Chennai.

2.The Additional Director General of Police (L&O),



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O/o.the Director General of Police,
Chennai.

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3.The Additional Inspector General of Police,
CBCID, Chennai.

4.The Commissioner of Police,
O/o.the Commissioner,
Veppary, Chennai.

5.The Inspector of Police,
F-2, Egmore Police Station,
Chennai-600 008.

6.The Inspector of Police,
CBCID, Chennai.

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

Dr.G.JAYACHANDRAN,J.

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