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CrL.OP.No.18671 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

CrL.OP.No.18671 of 2024

M.Janaboi,
W/o.Murugesan,
Sole Proprietor of
M/s.TKT Cashews
Having business at No.140,
Ground Floor, Mahatma Gandhi Road,
Pondicherry and
Residing at 23, Maraimalai Adigal Salai,
Orieanpet, Puducherry-605 005.
Petitioner

...

Vs.

The State Represented by
The Sub Inspector of Police,
Grand Bazaar Police Station,
Puducherry-605 005.
Respondent

...

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C,1973, to direct the respondent police to transfer the investigation in Cr.No.26/2024 to any other independent investigating agency and file final report within a stipulated period as may be fixed by this Hon'ble Court.



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For Petitioner : Mr.S.Arun Kumar
For Respondent : Mr.K.S.Mohan Dass
Public Prosecutor (Pondy)
Assisted by Ms.N.Dhanalatchumy

ORDER

This Criminal Original Petition is filed seeking direction to transfer the investigation agency of the Cr.No.26 of 2024 to any other independent investigating agency and file final report within the stipulated time.

2. On 02.02.2024, Cr.No.26 of 2024 came to be registered by the Grant Bazaar Police Station, Puduherri for offence under Sections 465, 468, 471 and 420 of IPC at the instance of one Tmt. Janaboi against one Gokul.

3. Alleging that the complainant is running the business under the name and style of TKT Cashews as a Proprietary Concern in which she engaged one Gokul to look after the business. When stock assessment was made, she found that the said Gokul has fraudulently prepared a



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partnership deed in respect of the TKT Cashews and got the fabricated partnership deed registered and consequentially he had claiming right over the firm, the present petition is filed seeking transfer of investigation. Further alleging that the Investigating Officer in this case not properly conducting the investigation, since the brother of one of the accused is working as a Constable in the respondent police and due to his influence, the investigation for offence under Sections 465, 468, 471 and 420 of IPC and registered on 02.02.2024 not completed.

4. The learned Public Prosecutor (Pondicherry) appearing for the respondent police has filed a counter affidavit sworn by the Sub-Inspector of Police, Grant Bazaar Police Station, Puducherry, wherein it is stated that investigation so far conducted has led to inference that the admitted signature of the defacto complainant and the signature found in the partnership deed are similar and no substantial evidence to proceed against the accused persons is available. However, the investigation not yet completed. Based on the forensic report dated 28.04.2024, final report will be filed.

5. This Court on perusing the opinion of hand writing expert as



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well as the counter affidavit finds that the allegation of the petitioner that the signature was forged to create a partnership deed and thereafter the money of the firm been swindled, apparently appears to be in correct in view of the forensic experts opinion. Anyhow, the police has almost completed the investigation and likely to file final report.

6. In view of the above fact, there is no necessity to transfer the investigation, but, direction issued to the respondent police to file the final report within a period of one month based on the investigation conducted. On filing the final report, the petitioner if aggrieved, can work out his remedy in the manner known to law.

05.08.2024

Vv

To

The Sub Inspector of Police,
Grand Bazaar Police Station,
Puducherry-605 005.



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Dr.G.JAYACHANDRAN,J.

Vv

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