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CrI.O.P.No.21236 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

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

CrI.O.P.No.21236 of 2024

R.Kothandaraman

... Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai,
New Commissioner office,
Vepery, Chennai.

2.The Inspector of Police,
CCB, Chennai [EDF-II], Chennai,
(CCB Crime No.98 of 2022)

3.The Inspector of Police,
CBCID, No.220, Pantheon Road,
Egmore, Chennai

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C./
528 BNSS, pleaded to transfer the investigation pending on the file of the
2nd respondent in CCB-I Crime No.98 of 2022 dated 12.05.2022 to the
CBCID or any other agency.

For Petitioner : Mr.D.Percivul Pericles

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)



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ORDER

This Criminal Original Petition is filed to transfer the investigation on the file of the 2nd respondent to any other agency.

2. According to the petitioner, his complaint, which was initially registered in Crime No.98 of 2022, was not properly investigated and closed as Mistake of Facts. Thereafter, on the protest petition filed by the petitioner, the Magistrate ordered further investigation vide order dated 15.09.2023, however, till date no progress in the investigation. Hence seeks for transfer of investigation.

3. The learned counsel appearing for the petitioner submits that whenever the petitioner received summons used to appear before the Investigating Officer, but there was no progress in the investigation.

4. However, the learned Government Advocate (CrI.Side) appearing for the respondent police submits that after the order passed in the protest petition on the instance of the petitioner, the Metropolitan Magistrate has directed the respondent police to change the Investigating



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Officer. Pursuant to the order passed by the Metropolitan Magistrate dated 20.02.2024, a new Investigating Officer has taken charge the investigation and the summons issued to the petitioner on 02.04.2024 for appearance on 06.04.2024. The petitioner has not appeared before the Investigating Officer, though he received the summons.

5. From the submissions made by the learned Government Advocate (CrI.Side), it is clear that the investigation has been transferred to new Investigating Officer and the new Investigating Officer has caused summons to the petitioner herein for his appearance on 06.04.2024. The petitioner has not appeared before the Investigating Officer on the said date. While so, his allegations against the present Investigating Officer does not stand the test of scrutiny. Similarly, his request to transfer the investigation to some other agency also does not appear to be bonafide, since he himself has not cooperating with the investigation.

6. Hence this Criminal Original Petition is disposed of with direction to the petitioner herein to appear before the Investigating Officer on 05.09.2024 and subsequent dates for enquiry. The Investigating Officer shall complete the investigation and file final report within a



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period of three months.

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Index : Yes/No

Neutral Citation : Yes/No

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CCB, Chennai [EDF-II], Chennai,
(CCB Crime No.98 of 2022)

3.The Inspector of Police,
CBCID, No.220, Pantheon Road,
Egmore, Chennai

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

Dr.G.JAYACHANDRAN,J.

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