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Crl.O.P.No.20665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.20665 of 2023

Vipul Mehta

... Petitioner

/versus/

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

... Respondent

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to transfer the investigation from Crime Branch Crime Investigation Department (CBCID), Metro Wing - I, to Central Bureau of Investigation (CBI) and further direct them to file the charge sheet within three months or stipulated time for uncompromised effective charges and investigation against the accused in Crime No.1 of 2023 on the file of the respondent.

For Petitioner :Mr.R.Shivakumar
Mr.P.John Joseph

For Respondents :Mr.S.Udaya Kumar
Government Advocate
(Crl.Side) for R1 to R3



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ORDER

This petition is filed for a direction to transfer the investigation from CBCID, Metro Wing to CBI and to file final report within a period of three months.

2.Initially, the very same petitioner approached this Court for transfer of investigation from the 2nd respondent/Sub Inspector of Police, to CCB or CBCID of the State Government. The same was allowed and investigation was transferred to CBCID but completed the investigation and filed a final report. The petitioner not being satisfied with the outcome of the final report approached this Court by filing the petition to transfer the case to CBI.

3.The learned counsel for the petitioner referring certain observation made in the earlier order transferring the investigation to CBCID submitted that this Court had expressed its opinion that the State police has not properly investigated the case and the role of the Bank officials for granting loan to the very same property twice was not probed into and therefore, transfer the case to the local police to



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CBCID. Even the CBCID on investigation to complete has not arrayed the Bank officials as accused and therefore, the investigation to be transferred to CBI.

4.The learned counsel so submitted that based on an unregistered Memorandum of Understanding, the petitioner purchased the property from the Promoters of the apartment and availed Bank loan. Whiles, one Udhayakumar who is the representative of the Promoters fraudulently sold the property to the third party. The very same property, the said Srinivasan is in possession of the property. The role of the Bank officials is not properly investigated.

5.The learned Public Prosecutor referring the final report submitted that the investigation has disclosed that the said Udhayakumar has not only do the petitioner herein Srinivasan and also asked the officials by producing documents misleading the Bank and therefore, final report has been filed against Udhayakumar, his wife Bhuvaneswari, who are the Directors of the Land Mark Housing Project. Since there is no material which could implicate the



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knowledge or intention to cheat anybody, the Bank officials who have advanced loan has not arrayed as accused and they have been shown as prosecution witness. This Court after reading the statement recorded findings that there is no reason or material to prosecute the Bank Officials, but discharged the duty in the normal course of banking transaction.

6.Hence, there is no necessity for transfer of investigation which has already been completed and culminated the final report in C.C.No.1810 of 2023 on the file of the Special Court for CCB or CBCID Cases, Allikulam, Egmore, Chennai.

Accordingly, this Criminal Original Petition is dismissed.

16.04.2024

Index:yes/no
Neutral Citation:yes/no
mps
To
The Inspector of Police,
CBCID, Metro Wing - I,
Egmore, Chennai.



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DR.G.JAYACHANDRAN,J.

mps

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