



Crl.O.P.No.24287 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.24287 of 2024

and

Crl.M.P.No.14827 of 2024

K.M.R.Rathinasamy

... Petitioner

Vs.

1. The Superintendent of Police,
Erode District.

2. The Inspector of Police,
District Crime Branch,
Erode District.

3. The Superintendent of Police,
CBCID Wing,
Erode District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to transfer the investigation in Crime No.6 of 2024 pending on the file of the second respondent police to the third respondent or any other investigation agency and further direct them to complete the investigation in a specified time.



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For Petitioner : Mr.R.Shunmugasundaram
Senior Advocate
for M/s.Shakeenaa, AG

For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.6 of 2024 pending on the file of the second respondent police to the third respondent or any other investigating agency and to complete the investigation in a specified time.

2. Learned counsel for the petitioner submitted that his property has been fraudulently transferred in favour of the accused persons. Hence, the petitioner lodged a complaint as against the accused persons before the respondent police and an F.I.R was registered in Crime No.6 of 2024 on the file of the second respondent Police. The petitioner apprehends that the respondent police is not conducting the investigation in a fair manner and they are trying to drop the investigation as against



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some of the accused. If the present agency continues the investigation, that might not be a fair investigation and the petitioner will not get the real justice.

3. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

4. On a reading of the counter affidavit filed by the respondent Police, it is found that the respondent is not conducting a fair investigation. Before conducting investigation, the respondent police cannot come to the conclusion about the liability and value of the document. It is the duty of the respondent police to collect/unearth the relevant materials and form an opinion by way of filing a report/charge sheet before the Magistrate concerned and the Magistrate has to decide as to whether the allegations levelled against the accused persons are true or not.



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5. In view of the same, the respondent police is directed handover the CD file to the third respondent. The Criminal Original Petition is allowed with the abovesaid direction,

6. The fourth accused filed a petition in Crl.M.P.No.14827 of 2024 to implead him as one of the respondents in the above Criminal Original Petition. Since the criminal original petition itself is for transfer of investigating agency, the fourth accused, who is the petitioner in the miscellaneous petition is nothing to do with the criminal original petition. Hence, the criminal miscellaneous petition is dismissed.

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mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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