



CrI.O.P.No.27284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.27284 of 2024

K.Subramani

... Petitioner

Vs.

The State rep. by
The Inspector of Police
Cheyyar Police Station
Cheyyar Town,
Thiruvannamalai District
(Crime No.509 of 2015)

... Respondent

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S.

praying direction to transfer investigation to any other investigating agency to
conduct *de novo* investigation in Crime No.509 of 2015 on the file of the
respondent.



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For Petitioner : Mr.M.Neelakandan
For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to issue direction for transfer the investigation to any other investigating agency to conduct *de novo* investigation in Crime No.509 of 2015 on the file of the respondent.

2. Heard both sides and perused the materials available on record.

3. The case of the petitioner is that the petitioner lodged a complaint with the respondent police against the accused persons stating that the accused, in collusion had stolen the petitioner's cheque and thereafter, sent a legal notice to him as if, the petitioner borrowed a sum of Rs.47 lakhs from the accused for which, the petitioner issued a post dated cheque and when it was presented for collection, the same was dishonored. Though the petitioner was given CSR



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No.748 of 2014, his complaint was not enquired and thereafter, based on the Court's direction, FIR in Crime No.509 of 2015 has been registered by the respondent police against the accused persons for the offence under Section 417 and 420 IPC. Even thereafter, the respondent police did not proceed with the investigation and the petitioner was not called for enquiry. Hence, the petitioner filed a petition dated 18.09.2017 under RTI Act seeking information regarding the stage of enquiry in Crime No.509 of 2015 for which, the Additional Superintended of Police, Thiruvannamalai furnished details dated 14.10.2017 stating that the case is still at the stage of investigation. Meanwhile, the petitioner obtained a direction to the respondent police to file charge sheet within a period of four weeks vide order dated 13.10.2017 in CrI.O.P.No.21936 of 2017. Even thereafter, there was no development. Once again the petitioner filed a petition dated 17.07.2020 under RTI Act seeking information about the stage of investigation for which, the Additional Superintended of Police, Thiruvannamalai has furnished details stating that the case in Crime No.509 of



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2015 was already closed as 'Mistake of Fact' in RCS No.178/2015 dated

29.12.2015 itself. However, the petitioner was not served with any referred notice till date. Therefore, the petitioner again filed a petition under RTI Act dated 13.01.2023 requesting to furnish the details of the alleged RCS No.178/2015 for which, the Additional Superintended of Police, Thiruvannamalai has furnished information dated 06.02.2023 stating that the said details submitted to the Court were not available with the respondent police. Hence, the petitioner filed another petition under RTI Act dated 24.04.2023, requesting to furnish the copy of the alleged referred charge sheet and accordingly, the final closure report was furnished to the petitioner by the Additional Superintended of Police, Thiruvannamalai District on 18.05.2023. Hence, the petitioner suspects that the respondent police in order to help the accused, have conducted a shoddy investigation and filed the referred charge sheet. Therefore, the present petition is filed for transfer of investigation.



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4. It is seen from the records that from the very inception, the respondent police have not properly dealt with the complaint given by the petitioner.

5. A reading of the counter affidavit filed by the respondent police clearly shows that they have not conducted the investigation properly. Even they do not know the differences between the criminal case and civil case. They even do not know what is decree passed in the civil suit and what is conviction and sentence passed in the criminal case and this is the prevailing situation in this State and the standard of the Investigating Officers. It is unfortunate that if any citizen approaches the police, the police dragging him from pillar to post for one reason or other which is best known to them only.

6. This Court is not satisfied with the way in which the respondent police have dealt with the complaint of the petitioner. The petitioner has approached this Court twice and also approached the Department more than thrice to know the status of his complaint and despite the same, he could not get a better investigation. This Court is satisfied with the relief sought for by the petitioner.



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7. Therefore, whatever the orders passed by the respondent or steps taken by the respondent is hereby quashed/set aside.

8. The respondent police is directed to hand over the original complaint given by the petitioner, to the Director, CBCID, Tiruvannamalai forthwith and on receipt of the same, the Director, CBCID, Tiruvannamalai is directed to investigate the matter after giving opportunity to the petitioner in a fair manner and if there is any deviation, the same will be viewed seriously. At least the CBCID should get the trust of the people and they cannot just like that play with the complaint of the petitioner or any other citizen.

9. With the above directions, this Criminal Original Petition is **disposed of.**

10. Before parting with this case, it is to be noted that the attitude of the respondent police is highly contemned and also deprecated. Therefore, the Superintendent of Police, Tiruvannamalai is directed to take action against the Investigating Officers/Station House Officers of the respondent police station,



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those who were in-charge during the relevant point of time i.e. from the date of complaint of the petitioner and till today (06.12.2024) and file action taken report before this Court.

06.12.2024

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To

1. The Inspector of Police
Cheyyar Police Station, Cheyyar Town,
Thiruvannamalai District
2. The Public Prosecutor
High Court of Madras

Copy to:

1. The Superintended of Police, Tiruvannamalai
2. The Director, CBCID, Tiruvannamalai



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P.VELMURUGAN. J.

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