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CrI.O.P.No.26821 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.26821 of 2024 and

CrI.M.P.No.14877 of 2024

A.T.Thilagavathy

Represented by her Attorney Mr.P.Saravanan

(vide General Power of Attorney dated 15.12.2018)

... Petitioner

Vs.

1. The Superintendent of Police

Chengalpattu District

Hospital Road, Bypass Road,

Chengalpattu - 603 002 (Near Vidhyasagar College)

2. The Inspector of Police

Central Crime Branch -II (DCB-II)

Chengalpattu District

(Crime No.3/2024)

3. The Director General of Police (Crime)

CBCID, Egmore,

Chennai - 600 008

... Respondents



Cr.O.P.No.26821 of 2024

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to withdraw and transfer the investigation in Crime No.3 of 2024 to the 3rd respondent from the file of the 2nd respondent.

For Petitioner : Mr.Balaji Sankara Moorthy
For Respondents : Mr.S.Sugendran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner for transfer of investigation in Crime No.3 of 2024 to the 3rd respondent from the file of the 2nd respondent.

2. The learned counsel for the petitioner submitted that it is a case of creation of forged documents and cheating whereby, the accused persons colluded themselves and by impersonation and fraudulent documents, executed several transactions in respect of the the subject property and thereby, cheated the defacto complainant and also attempted to grab the defacto complainant's property. Hence, based on the complaint given by the petitioner, the FIR in



CrI.O.P.No.26821 of 2024

Crime No.3 of 2024 was registered. The contention of the petitioner is that

there are 39 accused in this case. However, only 3 of the accused have been arrested so far and rest of the accused have not been secured. The further contention is that, some of the accused had filed anticipatory bail petitions before this Court and the same were dismissed and once again, one of them, approached the Sessions Court seeking anticipatory bail and the same was also dismissed. Despite the same, the 2nd respondent police have not secured those accused persons. Hence, the present petition is filed seeking transfer of investigation.

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

4. It is seen that there are 39 accused in this case and so far, only 3 of the accused have been arrested. Further, despite the anticipatory bail petitions of some of the accused have been dismissed by this Court as well as by the Court below, the 2nd respondent police have not secured them, which clearly shows that the 2nd respondent police is not conducting the investigation fairly.



CrI.O.P.No.26821 of 2024

Under these circumstances, this Court is of the opinion that, if the 2nd

respondent police is allowed to conduct the investigation, there may not be a fair investigation.

5. Since there are valuable grounds for transfer of investigation, the 1st respondent is directed to withdraw the case file from the 2nd respondent police and handover the same to the 3rd respondent forthwith.

6. On receipt of the case file, the 3rd respondent is directed to expedite the investigation and file charge sheet within a period of six months from the date of receipt of the case file and also file action taken report before this Court.

7. With the above directions, this Criminal Original Petition is allowed.

Consequently, connected Miscellaneous Petition is closed.

27.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2

4/6



Cr.O.P.No.26821 of 2024

To

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Chengalpattu District
Hospital Road, Bypass Road,
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Central Crime Branch -II (DCB-II)
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CrI.O.P.No.26821 of 2024

P.VELMURUGAN. J.

Ksa-2

CrI.O.P.No.26821 of 2024

27.11.2024