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CrI.O.P.No.27279 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.27279 of 2024

R.Prabakar

... Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai City,
Chennai District.

2. The Inspector of Police,
R3, Ashok Nagar Police Station,
Chennai.

...Respondents

Prayer: Criminal Original Petition filed under Section 528 BNSS, to direct the first respondent to transfer the investigation in Crime No.496 of 2021 from the file of the second respondent police to some other investigation officer for fair, effective and efficient investigation within a time frame fixed by this Court.

For Petitioner : Mr.N.S.Suganathan

For Respondents : Mr.S.Sugendran,
Additional Public Prosecutor

ORDER

This petition has been filed seeking transfer of investigation in Crime No.496 of 2021 from the file of the second respondent to some other investigation officer.



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2 The learned counsel for the petitioner would submit that the petitioner is the owner of the two wheeler namely Hero Honda Splender bearing Reg.No.TN 33 AU 4999 and he is practicing Advocate. On 04.08.2021 the petitioner lodged complaint before the second respondent police for theft of his vehicle, which was parked at the Mambalam Railway Station parking yard. Thereafter, despite all possible efforts by the petitioner, the second respondent has not registered FIR and has not conducted any investigation and hence the petitioner filed CrI.O.P.No.20766 of 2021 and pending the above petition, the second respondent registered FIR in Crime No.496 of 2021. But, there is no progress in the investigation for the past three years. Therefore the petitioner lost faith on the officials of the second respondent and filed the present petition seeking transfer of investigation.

3 The learned Additional Public Prosecutor for the respondents submitted that the accused has been identified and arrested. Further a vehicle was also recovered, but which was not the petitioner's vehicle.

4 Heard the learned counsel on either side and perused the materials available on record.

5 It is the grievance of the petitioner that he made complaint before the second respondent police for theft of his vehicle and he also produced the



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CCTV footage to the second respondent, but there is no progress in the investigation from the year 2021. Even after three years, the second respondent police has not completed investigation and not recovered the vehicle. Therefore the petitioner lost faith on the officials of the second respondent and now sought for transfer of investigation.

6 This Court is satisfied with the reasons stated by the petitioner for transfer of the case. Further finding the apprehension of the petitioner being genuine, the first respondent is directed to withdraw the case in Crime No.496 of 2021 from the file of the second respondent and transfer the same to some other Investigation Officer, who is fit to investigate the matter further.

7 With the above directions, this criminal original petition stands allowed.

14.11.2024

Speaking Order/Non Speaking Order
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To

1. The Commissioner of Police,
Greater Chennai City, Chennai District.
2. The Inspector of Police,
R3, Ashok Nagar Police Station, Chennai.
3. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.,

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