



Crl.O.P.(MD)No.5636 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5636 of 2022

MLM.Sarojini Achi
Represented through Power Agent,
M.Nachchiappan

... Petitioner/Defacto complainant

Vs.

1.The Superintendent of Police,
Madurai District, Madurai.

2.The State by,
The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.9 of 2020)

... Respondents

PRAYER:- Petition filed under Section 482 of Cr.P.C., to direct the first respondent to transfer the investigation in Crime No.9 of 2020 from the file of the second respondent police to CBI or any other independent agency.

For Petitioner : Mr.S.Lakshmanasamy

For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the first respondent to transfer the investigation in Crime No.9 of 2020 from the file of the second respondent police to CBI or any other independent agency.

2.The case of the petitioner is that she is the owner of the property and the said property was inherited from her forefathers. Originally, the property was purchased in the year 1954. However, the accused persons joined together and created a forged document in the year 1969 by impersonating the signature of the petitioner and also tampering with the records in the Registration Office. Thereby, the petitioner made a complaint before the District Registrar under Section 68(2) of the Registration Act. The District Registrar cancelled all those fraudulent documents vide order dated 19.04.2022. Prior to that, the petitioner made a complaint before the second respondent police on 18.10.2019. The second respondent police registered a case on 13.02.2020 in Crime No.9 of 2020 for the offences under Section 120B, 463, 465, 467, 468, 471 and 420 of IPC. Thereafter, the accused person approached this Court and obtained anticipatory bail. However, they have not executed the surety. Even then, the second respondent has not secured the petitioner for non-completion of the



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order passed by this Court in the anticipatory bail and they have not conducted proper investigation as per the procedure known to law. Thereby, the present petition is filed for transfer of investigation.

3.The learned counsel for the petitioner would submit that since all the persons involved in this case, who are the ruling party, this Court may issue a direction to the first respondent to depute a fit person to conduct an investigation and also complete the investigation within a reasonable time as fixed by this Court.

4.The learned Additional Public Prosecutor appearing for the respondents would submit that this Court may issue a direction to the first respondent to decide the investigating officer and conclude the investigation within a reasonable time as fixed by this Court.

5.In view of the above, the first respondent is directed to decide the investigating officer within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the Investigating Officer is directed to conclude the investigation and file a final report before the concerned court within a period of 12 weeks.



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

Index : Yes/No
Internet : Yes/No
NCC : Yes/No
Sji

07.02.2024

To

1. The Superintendent of Police,
Madurai District, Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

Sji

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