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CrI.O.P.No.4410 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.No.4410 of 2024

Ilayaraja

.... Petitioner

Vs

1. The Superintendent of Police,
District Police Office,
Cuddalore.

2. The Inspector of Police,
Chidambaram Taluk Police Station,
Cuddalore District.
Cr.No.65 of 2023.

.... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the case in Crime No.65 of 2023 from the file of the 2nd Respondent Police to CBCID Police for proper and fair investigation.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.R.Vinothraja
Government Advocate (CrI.Side)

ORDER



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This Criminal Original Petition has been filed for transfer of investigation in Crime No.65 of 2023 from the file of the second respondent to the CBCID for further investigation.

2. The petitioner is the tenant under the accused in Crime No.65 of 2023 for the land comprised in R.S.No.115/3, New No.115/3A situated at Vayalur Village, Chidambaram Taluk. The said land was leased out in favour of the petitioner on 04.04.2017 for a period of 20 years, in order to start industries by investing Rs.48,50,000/-. The petitioner primarily paid rent and during COVID-19 pandemic, there was arrears of rent. That apart, the accused enhanced the rent, which the petitioner could not able to pay the rent. The accused attempted to illegally evict the petitioner and as a result, the petitioner was constrained to file a suit in O.S.No.75 of 2021 on the file of the Principal District Munsif Court, Chidambaram and also obtained an interim injunction as against the accused. The interim order is still in force.

3. While being so, the petitioner was illegally evicted from the premises and machinery and superstructures installed by him were taken away. In the meanwhile, an FIR has been registered as against the



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petitioner in Crime No.211 of 2021 for the offences under Sections 294(b), 506(ii), 468 and 420 IPC on the complaint lodged by the accused, alleging that the petitioner forged his signature and fabricated the lease agreement.

4. A perusal of the photographs produced by the petitioner reveals that the petitioner had put up a huge shed and erected machinery. Therefore, there is a possibility that the petitioner may have built the shed by forging the signature of the accused and fabricating the lease agreement. Therefore, the petitioner lodged a complaint and the same was taken cognizance by the second respondent. Therefore, the petitioner was constrained to file a petition under Section 156(3) of Cr.P.C. before the Judicial Magistrate No.I, Chidambaram, in Crl.M.P.No.86 of 2023. The learned Magistrate, by an order dated 20.02.2023, directing the second respondent to register the FIR in Crime No.65 of 2023 for the offences under Sections 143, 427, 380 and 451 of IPC as against the accused. However, the second respondent has not taken any steps to secure the accused so far. Further, the second respondent did not take any steps to recover the machinery as well as the superstructure that was put up by the petitioner from the accused persons. It clearly shows that



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the second respondent has not taken any steps against the accused persons after registration of the FIR.

5. A perusal of the status report and the submissions made by the learned Government Advocate (Crl.Side) reveals that the respondent found the case property belongs to the accused. Admittedly, the vacant land was leased out in favour of the petitioner and absolutely there is no possibility to own any superstructure by the accused in Crime No.65 of 2023. Further, for the past 2 years no further progress in the case after the registration of the FIR in Crime No.65 of 2023.

6. In view of the above, this Court is inclined to transfer the investigation from the file of the second respondent to the file of the Inspector of Police, CBCID, Cuddalore, for further investigation. The Superintendent of Police, Cuddalore, is directed to take appropriate action as against the Investigating Officer in Crime No.65 of 2023 in accordance with law. The second respondent is directed to hand over the entire case file to the Inspector of Police, CBCID, Cuddalore. On receipt of the same, the Inspector of Police, CBCID, Cuddalore, is directed to complete the investigation and file a final report within a period of twelve weeks



thereafter.

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7. With the above direction, this Criminal Original Petition stands allowed.

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Index: Yes/No

Internet: Yes/No

To

1.The Superintendent of Police,
District Police Office,
Cuddalore.

2. The Inspector of Police,
Chidambaram Taluk Police Station,
Cuddalore District.

3.The Public Prosecutor,
High Court of Madras, Chennai.

G.K.ILANTHIRAIYAN,J.

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