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CrI.O.P.No.28636 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.28636 of 2023

G.Dhanraj

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Dharmapuri District.
2. The Inspector of Police,
District Crime Branch,
Dharmapuri District.
3. The Inspector of Police,
Adhiyamankottai Police Station,
Adhiyamankottai, Dharmapuri District.

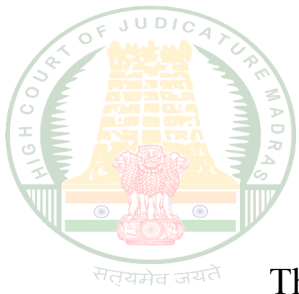
... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to transfer the investigation of Crime No.168 of 2023 dated 27.06.2023, pending on the file of the third respondent to the second respondent and consequently, direct the first respondent to monitor the investigation.

For Petitioner : M/s.Gowwtham Thelak V.B.

For Respondents : Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER



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This Criminal Original Petition has been filed seeking to transfer the investigation in Crime No.168 of 2023 dated 27.06.2023, pending on the file of the third respondent to the second respondent and to direct the first respondent to monitor the investigation.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The contention of the learned counsel appearing for the petitioner is that the accused had forged the legal heir certificate and based on which, executed a settlement deed. Therefore, the petitioner lodged a complaint, however, since no action was taken by the third respondent side, the de facto complainant approached this Court. Thereafter, based on the directions issued by this Court in Crl.O.P.No.1694 of 2023, vide order dated 30.01.2023, a First Information Report in Crime No.168 of 2023 was registered for the offence under Sections 420, 465, 468 & 471 of IPC. Further, the petitioner received a reply from the Tahsildar through the Right to Information Act with respect to the alleged legal heir certificate, wherein, the Tahsildar stated that no such legal heir certificate had been issued from his office. However, despite the reply received from the Tahsildar, no



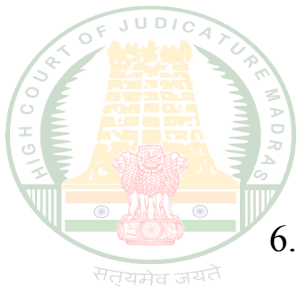
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further action was taken by the third respondent.

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4. Further, the anticipatory bail applications filed by the accused were dismissed twice. However, in his third bail application, filed in Crl.M.P.No.1958 of 2023 before the Principal District Court, Dharmapuri, it is represented by the prosecution that the investigation has been completed and accordingly, the learned Judge has granted anticipatory bail to the accused on 13.10.2023. However, the actual fact is that no further progress has so far been made in the investigation. Hence, the present petition has been filed seeking to transfer of the case from the file of the third respondent to the second respondent.

5. In the light of the above submissions, this Court pointed out the same to the learned Additional Public Prosecutor. He fairly submitted that the investigation is not completed. He also produced the Status Report, stating that a requisition letter was sent to the Village Administrative Officer on 11.08.2025, requesting verification of the details and the names of the persons holding authority over the patta in respect of the subject property and that the response is awaited.



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6. In such view of the matter, the manner in which the case was projected before the court below, as if the investigation has been completed, is wholly misleading. Therefore, this Court is of the view that the investigation is not proceeding in the right direction. This Court is of the considered opinion that it is a fit case where the investigation ought to be handed over to another Agency.

7. Accordingly, the First Information Report registered in Crime No.168 of 2023, on the file of the third respondent, is hereby transferred to the file of the second respondent and the investigation shall be monitored by the first respondent. The second respondent shall complete the investigation within a period of four months from the date of receipt of a copy of this order.

8. With the above directions, this Criminal Original Petition stands allowed.

13.08.2025

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Neutral Citation: Yes/No

To

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1. The Superintendent of Police,
O/o. The Superintendent of Police,
Dharmapuri District.
2. The Inspector of Police,
District Crime Branch,
Dharmapuri District.
3. The Inspector of Police,
Adhiyamankottai Police Station,
Adhiyamankottai, Dharmapuri District.
4. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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