



Crl.O.P.No.31532 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 28.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

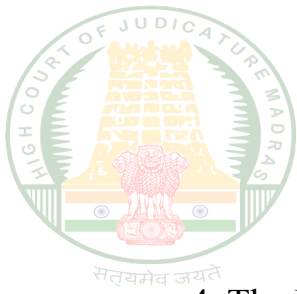
Crl.O.P.No.31532 of 2024

C.Sumathi

... Petitioner

Vs.

1. The Commissioner of Police
Greater Chennai City Police
132, Commissioner Office Building
E.V.K.Sampath Road
Vepery, Chennai
2. The Joint Director
(Central Bureau of Investigation)
3rd Floor, EVK Sampath Building
College Road
Chennai - 600 006
3. The Superintendent of Police
Crime Branch -Criminal Investigation Department
CB CID Complex 24,
Pantheon Road
Egmore, Chennai - 600 008



CrI.O.P.No.31532 of 2024

WEB COPY

4. The Deputy Commissioner of Police
Zone XI, Greater Chennai City Police
Koyambedu, No.4-109, 4th Floor
Sales Tax Office Building
Varadharajapuram
Nazarathpet, Chennai - 600123

5. The Inspector of Police
Koyambedu Police Station
(in Cr.No.218/2024)
Chennai City

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to direct the 1st respondent to transfer the investigation in Crime No.218 of 2024 pending before the 5th respondent to the 2nd or 3rd respondent for conducting fair investigation and consequently, direct them to file a final report within the stipulated time limit as fixed by this Court.

For Petitioner	: Mr.A.Prasanna Rajadurai
For Respondents 1, 3 to 5	: Mr.S.Sugendran Additional Public Prosecutor
For 2 nd Respondent	: Mr.K.Srinivasan Special Public Prosecutor



CrI.O.P.No.31532 of 2024

ORDER

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This Criminal Original Petition has been filed by the petitioner/defacto complainant to direct the 1st respondent to transfer the investigation in Crime No.218 of 2024 pending on the file of the 5th respondent to the 2nd or 3rd respondent for conducting fair investigation and consequently, direct them to file a final report within the stipulated time limit as may be fixed by this Court.

2. The case of the petitioner is that the FIR in Crime No.218 of 2024 came to be registered on 11.04.2024 by the 5th respondent police, based on the complaint given by the petitioner for the offences under Section 406, 420, 468, 471 of IPC against unknown persons regarding production of fabricated document before the Court. Thereafter, the petitioner requested certain details under RTI for which, the 4th respondent provided irrelevant informations in order to mislead the petitioner and to cover up the offenders and failed to perform fair investigation. The petitioner also approached the 1st respondent and made a representation to take appropriate action for fair investigation and



CrI.O.P.No.31532 of 2024

to secure the accused. However, there was no notable progress in the investigation. On the other hand the accused persons who were highly influential and with the help of other government officials in the revenue, registration and other departments have been committed a grave crime of forgery and manipulation of Government Stamp Seal, records and signatures and aided the accused to commit fraud in the Court and Court process. When the petitioner cried for justice, the 5th respondent police simply replied that the matter is of civil in nature and the petitioner has to settle the issue amicably. Therefore, the intervention of this Court to transfer the investigation of the case in Crime No.218 of 2024 from the file of the 5th respondent, to any other Investigating Agency for effective remedy is just and necessary.

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

4. It is seen that based on the complaint given by the petitioner, the FIR in Crime No.218 of 2024 was registered by the 5th respondent police on 11.04.2024. Since the petitioner was not summoned for enquiry or for



CrI.O.P.No.31532 of 2024

recording statement, the petitioner sought for certain details under the Right to

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Information Act two months after the registration of the FIR. However, the Investigating Officer had not given any proper reply regarding the investigation instead, they have asked the petitioner as to whether the said FIR is pending with the jurisdiction police, which itself clearly shows that without even verification, they have given reply to the petitioner under the Right to Information Act and also raised certain enquiries with the petitioner which shows that the 5th respondent is not interested to investigate the case and if the 5th respondent is allowed to continue the investigation, there may not be a fair investigation and there is possibility of taking revenge against the petitioner since the petitioner approached this Court and made some allegations against them.

5. Under these circumstances, in order to ensure fair investigation, the 5th respondent police is directed to hand over the case files to the 3rd respondent and in turn, the 3rd respondent is directed to hand over the case files to the



CrI.O.P.No.31532 of 2024

concerned Inspector of Police, CBCID. However, the 3rd respondent is directed to monitor the investigation.

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

28.01.2025

Index : Yes / No
Speaking Order : Yes / No
Neutral Citation Case : Yes/No
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To

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CrI.O.P.No.31532 of 2024

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6. The Public Prosecutor
High Court of Madras



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CrI.O.P.No.31532 of 2024

P.VELMURUGAN. J.

Ksa-2

CrI.O.P.No.31532 of 2024

28.01.2025