

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

RL.OP.No.281, 416 to 419 of 2015

N.Sivabakkiyan ... Petitioner in Crl.OP.No.281 of 2015
K.P.Natarajan ... Petitioner in Crl.OP.No.416 of 2015
K.P.N.Raajesh ... Petitioner in Crl.OP.No.417 of 2015
Sumathi Raajesh ... Petitioner in Crl.OP.No.418 of 2015
Muruganantham ... Petitioner in Crl.OP.No.419 of 2015

Vs

1.The Deputy Inspector General of Police,
Kancheepuram District,
Kancheepuram.

2.The Inspector of Police,
F2, SIPCOT Police Station,
Gummidipoondi, Tiruvallur District. ... Respondents in all Crl.OPs

Common Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 2nd respondent herein to register FIR on the complaint of the petitioner dated 04.12.2014 in CSR.No.229 of 2014 dated 08.12.2014 and investigate into the same and proceed in accordance with law.

For Petitioners : Mr.R.Karthikeyan

For Respondents : Mr.S.Shanmugavelayutham, Public Prosecutor

सत्यमेव जयते
O R D E R

These Criminal Original Petitions have been filed praying to direct the 2nd respondent herein to register FIR on the complaint of the petitioner dated 04.12.2014 in CSR.No.229 of 2014 dated 08.12.2014 and investigate into the same and proceed in accordance with law.

2. Heard the learned counsel for the petitioners and the learned Public Prosecutor [State] appearing for the respondents and perused the materials placed on record.

3. It is seen that the petitioners herein are fleet owners. It is the case of the petitioners that they had paid road tax to a

tune of Rs.34,71,670/- in respect of buses owned by them by cash to one Ramkumar and Elangovan, who represented themselves to be officials of Transport Department. These amounts were paid on various dates by cash and the duo have also issued. Vehicle inspection report and receipt for the same. During the course of their operations, the petitioners' buses were again intercepted by the Transport Department officials and fresh tax was demanded from them.

4. When the petitioners submitted that they have already paid tax, it came to light that the tax that was collected by the said two persons were misappropriated and were not remitted to the Government. Hence, the petitioners have launched complaint to the respondent Police for thoroughly investigating their allegation that the tax amounts were paid on various dates to the said Ramkumar and Elangovan.

5. Per contra, the respondent Police have filed their Status Report in which they have stated that during the course of investigation, the petitioners did not submit the tax receipts pertaining to the payment of tax to the said two persons.

6. On a perusal of the case diary, this Court found that the photocopies of tax receipts were available in the case diary. Despite this, the respondent Police appear to have completed the investigation and closed the same as mistake of fact. This Court finds that the investigation has not been properly conducted and it is very perfunctory.

7. In view of the above, this Court in the interest of justice, transfers the investigation from the respondent Police to the file of the Superintendent of Police, Tiruvallur to be entrusted to a competent officer of the District Crime Branch for fresh investigation of the case. The petitioners shall surrender the original vehicle investigation report/tax receipts to the Investigation Officer, who shall receive the same under due acknowledgment for the purpose of investigation.

8. The Superintendent of Police, Tiruvallur is directed to nominate the Investigating Officer within two weeks, from the date of receipt of a copy of this order and thereafter, the petitioners shall within two weeks from there submit the original records to the Investigating Officer.

9. With the above observation, these Criminal Original Petitions are closed.

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s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1.The Superintendent of Police,
Thiruvallur.
 - 2.The Deputy Inspector General of Police,
Kancheepuram District,
Kancheepuram.
 - 3.The Inspector of Police,
F2, SIPCOT Police Station,
Gummidipoondi, Tiruvallur District.
 - 4.The Public Prosecutor,
High Court, Madras.
- + 1 cc to Public Prosecutor, SR 25998
- + 1 cc to Mr.R.Karthikeyan, Advocate SR 26057

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सत्यमेव जयते

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