

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.9057 of 2015 and
M.P.No.1 of 2015

Dr.K.Rayar,
Founder, Managing Director,
Jeyasurya Self Employment and Teacher
Training Institute,
Villupuram.

... Petitioner

Vs

1.State rep by
The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District-605 602.
Crime No.814 of 2012.

2.The Director General of Police,
Tamil Nadu, Chennai-4.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
to set aside the order dated 23.04.2014 passed by the learned
Judicial Magistrate No.I, Villupuram in Crime No.814 of 2012
pending on the file of the 1st respondent Police and subsequently
direct the 2nd Respondent to transfer the investigation in Crime
No.814 of 2012, from the file of the 1st respondent police to the
file of CBCID, Tamil Nadu.

For Petitioner : Mr.A.Suresh Sakthi Murugan

For Respondents : Mr.C.Emalias, Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed praying to
set aside the order dated 23.04.2014 passed by the learned Judicial
Magistrate No.I, Villupuram in Crime No.814 of 2012 pending on the
file of the 1st respondent Police and subsequently direct the 2nd
Respondent to transfer the investigation in Crime No.814 of 2012,
from the file of the 1st respondent police to the file of CBCID,
Tamil Nadu.

2. Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the respondents
and perused the material placed on record.

3. It appears that this petitioner is the Founder/Managing Director of Jeyasurya Self Employment and Teacher Training Institute, Villupuram, which offers B.Ed. course. It is seen that the said institution had enrolled several students without recognition and affiliation.

4. On coming to know of this, the students who were enrolled started demanding return of fees paid by them. A compromise appears to have been entered into between the petitioner and the students at the intervention of some local political leaders, by virtue of which, the petitioner had given about 57 cheques to the students, refunding the fees paid by them.

5. The cheques had bounced and 138 prosecution have been launched against this petitioner, by the aggrieved parties. While so, the petitioner had lodged the present complaint alleging that the cheques were obtained from him by the political party leaders, under coercion and threat. This Court is unable to countenance the said arguments. Admittedly, the petitioner had collected huge money from poor students and had cheated them.

6. The learned Additional Public Prosecutor represents that four students attempted to commit suicide and only two were saved. It is clear that the present complaint is only a counter blast, for setting up a defence in the prosecution under Section 138 of Negotiable Instruments Act, that is faced by the petitioner and his institution. It is seen that the Police have conducted the investigation in the said event and closed the same as mistake of fact.

7. Therefore, this is not a fit case to transfer the investigation as prayed for by the petitioner and the same is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gya/kkd
To

1.The Judicial District Magistrate No.1, Villupuram

2.The Inspector of Police,
Villupuram Taluk Police Station,
Villupuram District-605 602.

3.The Director General of Police,
Tamil Nadu, Chennai-4.

4.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.M.Prabhakaran ,Advocate, SR.No.23804

CRL.O.P.No.9057 of 2015

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pmk.6.5.2015



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