



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M.SUNDRESH

CRL.O.P.(MD)No.21437 of 2014

Raja Gopal

... Petitioner/Defacto Complainant

vs.

1.The Commissioner of Police,
Thirunelveli City, Thirunelveli.

2.The Inspector of Police,
Palayamkottai Police Station,
Thirunelveli District
(In Crime No.582 of 2014)

3.The Inspector of Police,
CBCID, Thirunelveli Range

4.M.Raju ... Respondents

*(R4 impleaded vide order made in MP(MD) 1/2014 in CRL.O.P.No.21437/2014 dated 8.7.2015)

PRAYER: This Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to withdraw the investigation in Crime No.582 of 2014 pending on the file of the 2nd respondent Police and transfer the same and entrust the investigation to the 3rd respondent with direction to investigate the case in accordance with law, within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi

For Respondents : Mr.K.Anbarasan
Govt.Advocate (crl.side)

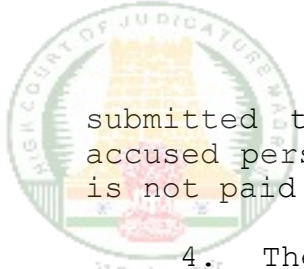
For R4 : Mr.P.PethuRajesh

ORDER

The petitioner is the defacto complainant. Alleging that investigation is not proceeding, the present petition has been filed.

2. Counsel for the petitioner submitted that the case has been registered in pursuant to the order passed by this Court and that too, after Contempt Application was filed. The respondent is not proceeding with the investigation, since he is close to the accused persons.

3. Counsel for the petitioner in M.P(MD)No.1 of 2014 / 4th Respondent submitted that the petitioner in Crl.O.P.(MD)No.21437 of 2014 has suppressed the material fact that an earlier complaint given before the Economic Offences Wing was closed after thorough enquiry. He further



submitted that the transaction is only a pure financial one and the accused person is a non-banking financial institution. As the petitioner is not paid the amount due, the complaint has been given.

4. The learned Government Advocate (crl.side) submitted that investigation is going on.

5. In the absence of any material to hold that the Investigating Officer and the accused persons are close, this Court is not inclined to transfer the investigation on that ground. However, the Respondent No.2 is directed to complete the enquiry, within a period of four months from the date of receipt of a copy of this order. Further, the 1st respondent, the Commissioner of Police, Tirunelveli City, is directed to supervise and monitor the investigation.

6. With the above direction, this Criminal Original Petition is closed.

mpk

Sd/-

Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar.

To

1.The Commissioner of Police, Thirunelveli City, Thirunelveli.

2.The Inspector of Police, Palayamkottai Police Station, Thirunelveli District

3.The Inspector of Police, CBCID, Thirunelveli Range

4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

1CC to Mr.R.Gandhi, Advocate, SR.No. 37411

1CC to Mr.P. PethuRajesh, Advocate, SR.No.37222

CRL.O.P. (MD) No.21437 of 2014
08.07.2015

2P/7C

AM/GSV.PM/SAR-I/28.08.2015.