

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2016

Coram:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.10039 of 2016

K.Jayaraman

... Petitioner/Accused

Vs.

1.State rep. By
Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai.

2.A.Ambrose ... Respondents/Complainant
and Defacto Complainant.

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure praying to call for the records pertaining to the case pending investigation in Crime No.415/2016 on the file of the respondent police and quash the same.

For Petitioner : Mr.A.Natarajan
Senior Counsel for
M/s.A.Madhumathi

For Respondent : Mr.C. Emalias
No.1 Additional Public Prosecutor

ORDER

On the complaint lodged by one Ambrose, the respondent police have registered a case in Crime No.415 of 2016 on 27.02.2016 for offences under Sections 406 & 420 IPC against the petitioner.

2. The crux of the allegation in the FIR is that this petitioner had received money from the said Ambrose promising him that he will get job for his family members in the Madras High Court. Challenging the FIR, the petitioner is before this Court.

3. Mr.A.Natarajan, learned Senior Counsel appearing for the petitioner submitted that the petitioner himself is a victim of one Dilliraja, who appears to have received money from the petitioner and Ambrose, promising to get job in the High Court.

4. In support of his contention, Mr.Natarajan, learned Senior Counsel produced a receipt purported to have been signed by Dilliraja and Ambrose to the effect that Dilliraja received a sum of Rs.11,00,000/- (Rupees Eleven Lakhs only) for getting employment in the Madras High Court for the kin of Ambrose and that, he had ensured that he will return the amount, if he is not able to get the appointment.

5. In the considering opinion of this Court, investigation is at preliminary stage and at this stage, it cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in State of Haryana Vs Bhajan Lal reported in 1992 Supp [1] SCC 335. However, this is a fit case to be investigated by the Central Crime Branch, since the matter involves this institution. Hence, the case in Crime No.415 of 2016 on the file of the respondent / Inspector of Police, J-4, Kotturpuram Police Station, Chennai, is transferred to the file of the Deputy Commissioner of Police, Central Crime Branch, Chennai, who shall nominate an officer of the rank of Assistant Commissioner of Police, Central Crime Branch to investigate the offence. During the course of investigation, if any other persons, like Dilliraja, come to light, it is needless to say that they should also be prosecuted in accordance with law.

In view of the above, the criminal original petition is closed.

sms

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Commissioner of Police,
Central Crime Branch, Chennai.

2. Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai.

3. The Public Prosecutor
High Court, Madras

+ 1 cc to M/s.A.Madhumathi, Advocate SR 8894

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