

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2016

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.26273 of 2016

Muruganandam

... Petitioner

Vs

The State of Tamil Nadu,
rep. By the Inspector of Police,
District Crime Branch,
Thiruvallur,
Thiruvallur District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to issue a direction transferring the investigation in FIR Crime No.65 of 2013 on the file of the respondent police to any other agency including the Central Bureau of Investigation.

For Petitioner : Mr.S.Selvathirumurugan

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

ORDER

The present criminal original petition has been filed to transfer the investigation in Crime No.65 of 2013 pending on the file of the respondent police to any other agency including the Central Bureau of Investigation.

2. It is the case of the petitioner that he represents the parents of the Medical students, who studied in the accused college viz., D.D.Medical College. Due to violation of the conditions, the Medical Council of India had cancelled the permission granted to the said college. In spite of cancellation of permission, the accused collected fees for the 4th year students, which comes around Rs.16,00,000/- from each student and in total, a sum of Rs.5 crores was collected. All the parents have paid 3rd and 4th year fees and they have also paid fees in the concerned Government Colleges. Thus, they have paid double payment. Hence, the parents of 25 students lodged a

complaint before the respondent police and CSR was also given. But, the F.I.R. was not registered. Hence, they have approached the Inspector General of Police, who advised them to give a fresh complaint. Accordingly, a complaint dated 4.12.2013 has been lodged by the parents of the students. Based on the same, F.I.R. was registered in Crime No.65 of 2013. Thereafter, since no action was taken on the said complaint, the parents approached this Court by filing a petition in CrI.O.P.No.26809 of 2015 and this Court, by order dated 20.11.2016, directed the respondent herein to conduct the investigation in Crime No.65 of 2013 and file the final report as expeditiously as possible, preferably, within a period of four months from the date of receipt of a copy of that order. In spite of the said directions, the respondent has not filed the final report even after a lapse of one year. Hence, the petitioner has come forward with the present petition to transfer the case to some other agency.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that in Crime No.65 of 2013, after completion of investigation, charge sheet was filed before the concerned Court and the same was returned by the Court for rectifying certain errors and he seeks three weeks time to submit the charge sheet, after rectifying the errors.

4. Since in the case in Crime No.65 of 2013, the investigation was already completed and charge sheet was filed before the concerned Court and the same was returned by the Court for rectifying certain errors, I am of the opinion, there is no need to transfer the investigation to some other agency.

5. Hence, recording the said submission made by the learned Additional Public Prosecutor, the criminal original petition is closed. However, the respondent is directed to file the charge sheet in Crime No.65 of 2013 before the concerned Court, after rectifying the errors, within a period of three weeks from the date of receipt of a copy of this order.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

sbi

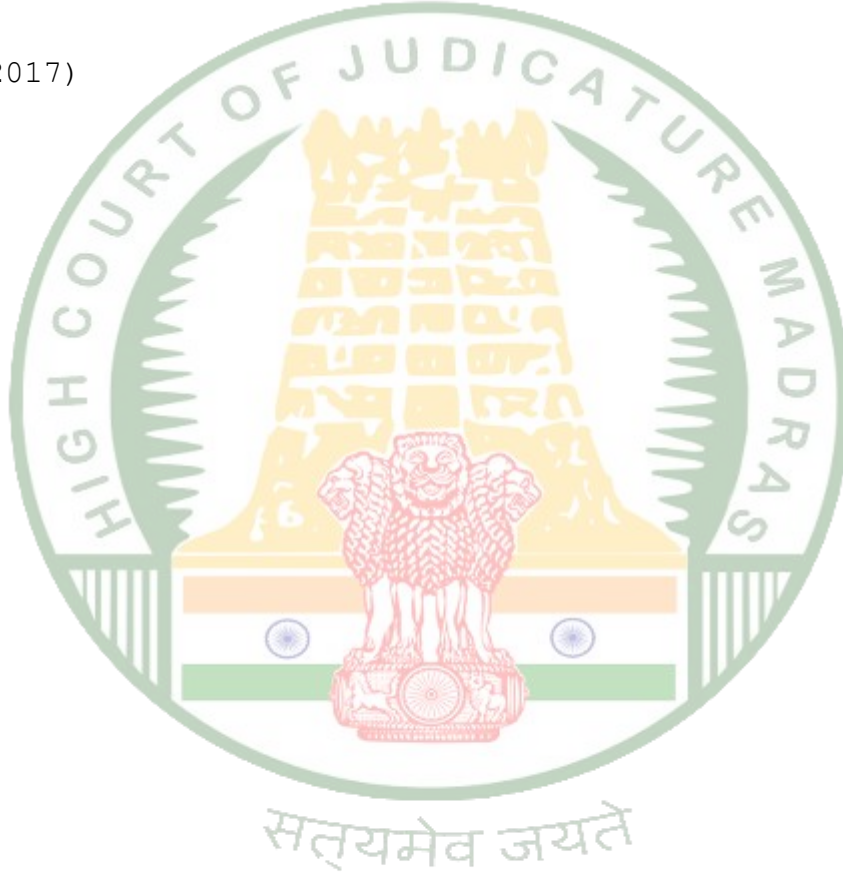
To

1.The Inspector of Police,
District Crime Branch,
Thiruvallur,
Thiruvallur District.

2.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.26273 of 2016

kj (co)
ss (20/01/2017)



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