

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.589 of 2016

R.Arumugam

... Petitioner

Vs.,

1.The State rep. by its
Inspector of Police,
Central Crime Branch, EDF-II, Team-IV,
Vepery, Chennai-600 007.

2.The Commissioner of Police,
E.V.K. Sampath Salai,
Vepery, Chennai-600 007.

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to withdraw the investigation in CCB.Cr.No.344/2015, dated 11.09.2015 from the file of the 1st respondent and transfer the case to the file of Central Bureau of Investigation for proper and fair investigation.

For Petitioner : Mr.C.Nithyash Sekhar

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

* * * * *

ORDER

This petition has been filed by the petitioner praying to transfer the investigation CCB.Cr.No.344/2015 from the file of the 1st respondent to the Central Bureau of Investigation for proper and fair investigation.

2.In the affidavit filed in support of this petition, it has been stated by the petitioner that he is a retired Head Master. One Mr.D.Raj Kumar is working as Inspector of Police, IOC Police Station, Tondiarpet, Chennai, and he is hailing from East Shanmugapuram of Villupuram Town and he was residing nearby the residence of Former Transport Minister, his close associate. His wife was working as Senior Officer in the State Transport Corporation at Villupuram, later she got transferred to

Tondiarpet at Chennai. The said Rajkumar was introduced to the petitioner by his brother-in-law Amabalavanan, who is currently working as Special Sub-Inspector of Police at Ananathapuram Police Station, Chenji Taluk, Villupuram District. It is further stated by the petitioner that the said D.Rajkumar claimed that he knows and is in touch with all the V.I.Ps, who is at the helm of affairs of the current Government and the ruling party and as such, he is capable of getting any government job in any department. Thus, by assuring to get government job, the said Rajkumar has received money, in many instalments, to the tune of Rs.26,00,000/-, through the petitioner, from the following persons_

(a)Mr.A.Velmurugan, S/o. Sivaraman - Rs.7 lakhs
(b)Mrs.Rajeswari, W/o.Jinendrakumar - Rs. 7 lakhs
(c)Mrs.Shanmugapirya, W/o.Gangadharan - Rs.7 lakhs (in order to get PG Teacher Post)

(d)Mrs.Vasanth, D/o.Rajaram - Rs.5 lakhs (to get UG Teacher Post). But, after receiving the money, the said Rajkumar could not get job to any candidate. He also refused to return back the money. The wife of the said Rajkumar has also threatened the petitioner and the candidates, who had paid the money. On repeated request, the said Rajkumar has chosen to give a Cheque on 13.05.2015, in favour of the petitioner's brother-in-law Ambalavanan, without filling up the date, for a sum of Rs.26 lakhs, drawn on Indian Overseas Bank, Porur Branch, Chennai. But, subsequently, the petitioner came to know that there is no balance in the bank account of the said Rajkumar to honour the said cheque. When the petitioner made phone calls, the said Rajkumar and his wife did not respond. Hence, the petitioner sent a complaint to the Chief Minister (Grievance Cell) on 09.07.2015. Thereafter, on 10.07.2015, the petitioner has given a complaint to the 2nd respondent, which was forwarded to the 1st respondent. The 1st respondent registered the complaint given by the petitioner as CCB.Cr.No.344/2015 under Section 406 & 420 IPC. Now, the petitioner has come forward with the present petition seeking to transfer the investigation.

3.The learned counsel for the submitted that since the said Rajkumar is working as Inspector of Police, the respondents-Police is not investigating the matter properly; hence, the investigation has to be transferred to CBI.

4.The learned Additional Public Prosecutor has opposed to transfer the investigation, stating that the investigation is under progress and that to transfer the investigation no valid ground has been made out by the petitioner.

5.Keeping the submissions made on either side, I have carefully perused the materials available on record. As contended by the learned Additional Public Prosecutor, no valid ground has been made out to transfer the Investigation. However, since the accused person is working as Inspector of Police, it would be appropriate to give direction to conduct investigation by an officer in the rank of Assistant Commissioner of Police.

6.Hence, the 2nd respondent is hereby directed to order for handing over the investigation of the case in CCB Cr.No.344 of 2015 to the Assistant Commissioner of Police, CCB, Vepary, Chennai. The Assistant Commissioner of Police is directed to conduct investigation and to file final report as early as possible.

With the above direction, this criminal original petition is disposed of.

-s/d-

Assistant Registrar(CSIII)

dt:25.01.2016

True Copy

Sub-Assistant Registrar

ssv

To,

1.The Inspector of Police,
Central Crime Branch, EDF-II, Team-IV,
Vepary, Chennai-600 007.

2.The Commissioner of Police,
E.V.K. Sampath Salai,
Vepary, Chennai-600 007.

3.The Assistant Commissioner of Police
CCB, Vepary, Chennai

4.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.C.Nithyash Sekar Advocate sr.1712

Cr1.O.P.No.589 of 2016

jsv(co)

aa25/01/2016