

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

Crl.O.P.No.8233 of 2016

R.Ponmalar

... Petitioner/Defacto
Complainant

Vs.

State Rep. by
The Inspector of Police
Central Crime Branch,
Chennai - 600 107.
Crime No.307 of 2015

... Respondent/Complainant

Prayer :

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer the investigation in Crime No.307 of 2015 on the file of the respondent to some other investigating agency.

For Petitioner : Mr.R.Vivekananthan

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

ORDER

The petitioner has come forward with this petition seeking a direction to the respondent to transfer the investigation in Crime No.307 of 2015 on the file of the respondent to some other investigating agency.

2.The learned counsel for the petitioner submitted that on the basis of the complaint given by the petitioner, the respondent has not registered the case. Hence, the petitioner filed Crl.O.P.No.14570 of 2015 and by order dated 16.06.2015, this Court has directed the respondent to follow the dictum laid down in Lalitha Kumari vs. Govt. of U.P & others reported in (2014) 2 SCC 1. On that basis, a case in Crime No.307 of 2015 has been registered on 03.08.2015 for the offence punishable under Section 420 of I.P.C. stating that the accused has received amount from five persons for obtaining employment in Railway Department to the tune of Rs.35 Lakhs, but he neither given employment order nor returned the amount. But, after

registration of the case, the respondent has not shown any interest to investigate the matter and file final report. Hence, the petitioner has come forward with the present petition.

3.At the time of admission, argument heard in length.

4.Considering the rival submissions and on a perusal of the typed set of papers it is known that though the complaint has been given on 08.04.2015, the respondent has registered a case after direction given by this Court in CrI.O.P.No.14570 of 2015 on 16.06.2015 and the accused is yet to be arrested and only statement under Section 161 of Cr.P.C. has been recorded from the defacto complainant.

5.In such circumstances, I am of the view that to meet out the ends of justice, it is a fit case to give direction to the Assistant Commissioner of Police, Central Crime Branch, Chennai to investigate the matter. Accordingly, the Assistant Commissioner of Police, Central Crime Branch, Chennai is directed to investigate the matter and file final report within a period of five months from the date of receipt of a copy of this order.

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

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police
Central Crime Branch,
Chennai - 600 107.
Crime No.307 of 2015

2.The Public Prosecutor
High Court, Madras.
+1 cc to Mr.R.Vivekananthan Advocate sr.25694

CrI.O.P.No.8233 of 2016

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