



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Cr1.O.P.(MD)No.17759 of 2014

Dr.S.Rajakumari

... Petitioner

Vs.

State through
The Inspector of Police,
Oomachikulam Police Station,
Madurai.
(Crime No.522 of 2014)

... Respondent

PRAYER: Petition under Section 482 of the Code of Criminal Procedure, to direct the respondent to conduct a fair investigation and also file the final report as contemplated under Section 173(2) Cr.P.C. Within a stipulated period that may be fixed by this Court.

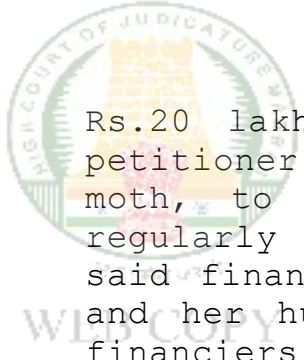
For Petitioner : Mr.R.Murugaboopathy

For Respondent : Mr.M.Murugan
Government Advocate

ORDER

This Criminal Original Petition is filed seeking a direction to the respondent to conduct fair investigation and to file the final report as contemplated under Section 173 (2) Cr.P.C. within a stipulated period.

2. The case of the petitioner is that her husband was doing transport business in the name of "Ananthi Transports" and was operating two stage carriage permits, namely, from Madurai to Paramakudi and from Madurai to Sivagangai District, with vehicles bearing registration numbers TN-64-A-3042 & TN-64-3574. The petitioner's husband availed loan from one Thirukumaran Motor Finance to the tune of Rs.1.94 Crores on 30.03.2013 to get the above said permits and for getting the loan, the petitioner and her husband were asked to issue 50 signed blank cheques and their signatures were obtained on hundred empty bond papers. Besides, according to the petitioner, the said financiers also received



Rs.20 lakhs as initial payment and as per the agreement, the petitioner's husband was to pay Rs.8 lakhs as interest, every month, to them. Though the petitioner's husband paid interest regularly and also the principal amount on various occasions, the said financiers demanded exorbitant interest from the petitioner and her husband and harassed them regularly. Finally, the said financiers, created some forged documents and transferred the permits of the petitioner's husband's Transport Company buses in their agent's name. Subsequently, the henchmen of the said Financiers forcibly took the petitioner's husband's vehicles bearing registration numbers TN-64-A-3042 & TN-64-3574. Hence, the petitioner gave a complaint to the respondent police, which was registered as a case in Crime No.553 of 2014 on 18.04.2014. Though FIR has been registered, so far, no steps have been taken to arrest the accused. Moreover, the accused persons are threatening to initiate court proceedings by misusing the blank cheques and bonds obtained from the petitioner and her family members. Therefore, seeking a direction to the respondent to conduct fair investigation, the petitioner has come before this Court.

3. After the investigation the FIR was closed on 09.08.2015. Not convinced with that, the petitioner has approached the District Superintendent of Police, who directed further investigation on 09.11.2015.

4. It is represented by the prosecution that further investigation is going on. However, it is brought to the notice of this Court by the learned counsel for the petitioner that so far the accused has not been summoned and examined. The investigating officer may summon both the petitioner as well as the accused and enquire both of them. Both the parties are at liberty to produce the relevant documents. The investigating officer, who is investigating the case shall conduct the investigation fairly and file final report within twelve weeks from the date of receipt of a copy of the order. The District Superintendent of Police is to oversee the investigation.

5. Accordingly, this Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar



1. The District Superintendent of Police,
Madurai District, Madurai.

2. The Inspector of Police,
Oomachikulam Police Station,
Madurai.

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

+1CC to Mr.R.Murugapoopathi Sr.No.3660

GJM/Pm/MP/22.2.16-2p-5C

W.P. (MD) No.17759 of 2014
22.01.2016