



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2017

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL.OP.(MD).No.15674 of 2017

B.Devakumar

. . . Petitioner

Vs.

1. The Commissioner of Police,
Madurai City, Alagar Koil Road,
Madurai - 625 002.

2. The Assistant Commissioner of Police,
Central Crime Branch,
Alagar Koil Road, Madurai - 625 002.

3. State represented by,
The Inspector of Police,
Subramaniapuram (Crime) Police Station,
Madurai City.
(Crime No.395 of 2016)

. . . Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to transfer the investigation in Crime No.395 of 2016 on the file of the third respondent to the second respondent.

For Petitioner

: Mr.R.Paul Sukumar

For Respondents

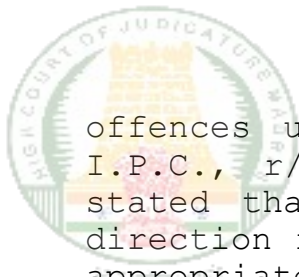
: Mr.A.Ramar,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the first respondent to transfer the investigation in Crime No.395 of 2016 on the file of the third respondent to the second respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. The petitioner is the defacto complainant and he lodged a complaint as against two individuals, for cheating him. Though the complaint was registered in Crime No.395 of 2016 for the alleged



offences under Sections 120(B), 406, 420, 468, 471, 474, 409 of I.P.C., r/w Section 34 of I.P.C., and 506(ii) of I.P.C., it is stated that there was no further progress and that therefore, a direction for transfer of investigation to some other agency will be appropriate.

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4. The petitioner in his complaint only states that under the false promise of giving a Petrol retail outlet on sub lease, the petitioner was made to pay a sum of Rs.5,00,000/- and that the said money was collected knowing fully well that the proposed accused cannot transfer the licence.

5. The petitioner himself has stated in his complaint that the proposed accused could not transfer the licence in favour of the petitioner and that there was also a potential threat to the proposed accused regarding cancellation of his licence by the Bharath Petroleum Corporation Ltd., which had granted licence to the proposed accused for running the Petrol retail outlet as a dealer.

6. Except stating that the respondents have not shown any progress in the investigation and that a final report is not yet filed, the petitioner has not expressed any serious irregularity or lack of prudence in the course of investigation done by the respondent police. In the said circumstances, this Court is convinced that it is not a fit case for transfer of investigation. However, having regard to the nature of the complaint and the grievance expressed, this Court is inclined to direct the third respondent to complete the investigation in Crime No.395 of 2016 and to file a final report within a period of three months from the date of receipt of a copy of this order.

7. The Criminal Original petition is disposed of, accordingly.

Sd/-

Assistant Registrar(CRL. SIDE)

/True Copy/

Sub Assistant Registrar

TO

1. The Commissioner of Police,
Madurai City, Alagar Koil Road, Madurai - 625 002.
2. The Assistant Commissioner of Police,
Central Crime Branch, Alagar Koil Road, Madurai - 625 002.
3. The Inspector of Police,
Subramaniapuram (Crime) Police Station, Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.R.PAUL SUKUMAR Advocate in SR. No. 88301

PMU

<https://hcservices.ecourts.gov.in/hcservices/>

JS/JC/SAR.2/4.12.2017/2P-6C

Crl.O.P. (MD) .No.15674 of 2017

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