



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.5138 of 2017

WEB COPY

1.G.Sureshkumar

2.P.Martin Fernando

... Petitioners

-vs-

1.The Inspector of Police
Usilampatti Police Station,
Madurai District
in Crime No.492/2015

2.R.Mathivanan

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in Cr.No.492/2015, dated 29.09.2015 for the offences under sections 406, 420, 294(b), 506 (i) IPC on the file of the respondent police and quash the same with respect to the petitioners.

For Petitioners : Mr.M.Gururaj
For Respondents : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

O R D E R

On the complaint lodged by the 2nd respondent, the first respondent registered a case in Crime No.492/2015 on 29.09.2015 under Sections 406, 420 and 506(i) IPC against 10 accused, challenging which, A6 and A9 are before this Court with this petition.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. side) for the respondents.

3.On a reading of the FIR, it is alleged by the de-facto complainant that one Vennila Kalaiselvan (A1) had promised that she will get a job for the de-facto complainant in Australia and had received some amount. As regards the petitioners herein, it appears that they were also victims of the offence. It is also seen that the first petitioner Sureshkumar has given a complaint against Mathivanan the de-facto complainant herein, based on which, the Usilampatti Nagar Police Station has registered a case in Crime No.518/2015 on 15.10.2015 under Sections 406, 420, 147, 294(b), 323 and 506(i) IPC. On a perusal of the case diary, this Court finds that no investigation has been done in both the cases, namely Cr.No.492 and 518/2015 by the first respondent police and the FIRs have been kept pending without any progress.



Under such circumstances, this Court transfers both the cases, ie., Crime Nos.492/2015 and 518/2015 from the file of Usilampatti Nagar Police Station to the file of the District Crime Branch, Madurai District. The Inspector of Police, Usilampatti Nagar Police Station is directed to hand over the entire case diary in Crime Nos.492/2015 and 518/2015 to the District Crime Branch, Madurai District within a period of two weeks from the date of receipt of a copy of this order. Thereafter, the District Crime branch shall conduct enquiry and if it is found that these petitioners are innocent, needless to state that further action against the petitioners shall be dropped.

With the above direction, this petition is closed. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Admin I)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Inspector of Police
Usilampatti Police Station,
Madurai District
- 2.The Inspector of Police,
District Crime Branch, Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.M.Gururaj,Advocate,Sr.54570

Crl.O.P. (MD) No.5138 of 2017
and Crl.M.P.No.3644/2017
27.04.2017

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