

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.17647 of 2018
and
Crl.MP.No.9160 of 2018

1.Suresh @ Gopala Krishnan

2.Pugazhenthithi Petitioners

Vs

1.The State Rep. by
The Inspector of Police
Villupuram Taluk Police Station
Villupuram.

2.Boobalan ...Respondents

Criminal Original Petition has been filed under Section 482 Cr.P.C. to call for the records in Crime No.1445 of 2017 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.K.Thenrajan

For Respondents : Mrs.Kritika Kamal.P.
Government Advocate (Crl.Side)

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.1445 of 2017 on the file of the 1st respondent and quash the same.

2. On the complaint lodged by one Boobalan (2nd respondent/ de facto complainant), the first respondent police have registered a case in Crime No.1445 of 2017, on 30.10.2017 for the offences under Sections 294-B, 420 and 506(ii) IPC against Suresh @ Gopalakrishnan (A1), Pugazhenthithi (A2), for quashing which, the accused are before this Court.

3. Heard the learned counsel for the accused and the learned Government Advocate (Crl. Side) for the first respondent-State.

4. The learned counsel for the accused submitted that the de facto complainant is none other than the brother-in-law of Pugazhenthhi (A2). He further submitted that Mrs.Anushya (mother of Boopalan and the mother-in-law of Pugazhenthhi) gave a complaint on 23.08.2017 to the Superintendent of Police, Villupuram District, alleging that a sum of Rs.2,40,000/- was given to one Muthusamy, for getting employment in the Government for Boopalan; that the said complaint was enquired by the first respondent police; during enquiry, Muthusamy repaid substantial amounts; however, for the same cause of action, Boopalan has given a fresh complaint, based on which, an FIR has been registered only against Suresh @ Gopalakrishnan and Pugazhenthhi, leaving out Muthusamy.

5. There appears to be much force in the submission of the learned counsel for the accused, since it is seen that Anushya in her complaint dated 23.08.2017 given to the Superintendent of Police, Villupuram District, has stated that she had gone along with Suresh @ Gopalakrishnan, Pugazhenthhi and Boopalan (de facto complainant) to meet Muthusamy and together had given the money to Muthusamy. Now, suddenly Boopalan has filed the present complaint alleging as if Suresh @ Gopalakrishnan, Pugazhenthhi have collected money.

6. In view of the above, this Court transfers the investigation of the case in Villupuram Taluk PS Crime No.1445 of 2017 to the District Crime Branch, Villupuram District. The Inspector of Police, Villupuram Taluk Police Station, is directed to hand over the case diary in Crime No.1445 of 2017 to the Inspector of Police, District Crime Branch, Villupuram District within a period of two weeks from the date of receipt of a copy of this order. The Inspector of Police, District Crime Branch, Villupuram District, is directed to complete the investigation in Crime No.1445 of 2017 and file a closure report or otherwise within three months thereafter. It is seen that the accused herein has been granted anticipatory bail by this Court in Crl.OP.No.23677 of 2017 on 21.02.2018. Therefore, the accused shall appear before the Inspector of Police, District Crime Branch, Villupuram District as and when required and co-operate with the investigation. The accused shall not be arrested by the Inspector of Police, District Crime Branch, Villupuram District, since they are in anticipatory bail.

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

Sd/-
Assistant Registrar(CS V)

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Sub Assistant Registrar

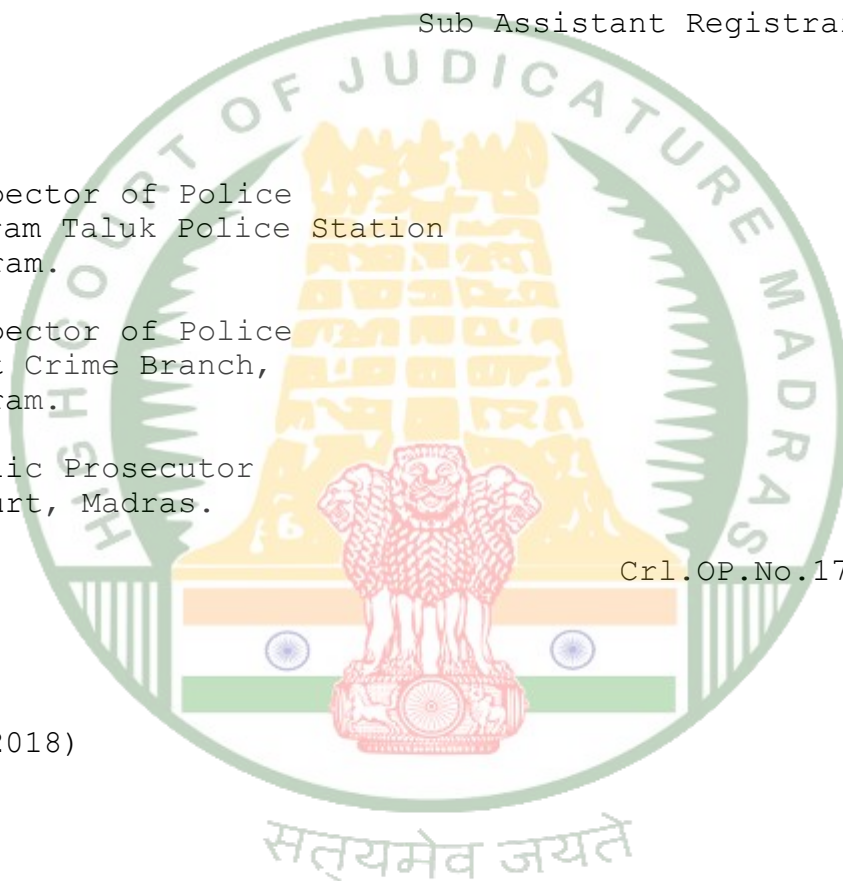
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To

- 1.The Inspector of Police
Villupuram Taluk Police Station
Villupuram.
- 2.The Inspector of Police
District Crime Branch,
Villupuram.
- 3.The Public Prosecutor
High Court, Madras.

Crl.OP.No.17647 of 2018

CP(CO)
GN(24/07/2018)



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