



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1923 of 2018

WEB COPY

R.Mahendran

... Petitioner

-vs-

1.The Commissioner of Police,  
Madurai City.

2.The Inspector of Police,  
Thilagarthidal Police Station,  
Madurai.  
(In Crime No.455 of 2016)

3.The Inspector of Police,  
City Crime Branch,  
Madurai.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent to transfer the criminal case in Cr.No.455 of 2016, from the second respondent to third respondent for investigation and filing the final report before the concerned Judicial Magistrate Court, Madurai.

For Petitioner : Mr.V.P.Rajan  
For Respondents : Mr.Prabu Ramachandran  
Government Advocate (Crl.Side)  
R1 to R3

#### ORDER

This Criminal Original Petition has been filed by the de-facto complainant, to transfer the investigation in Crime No.455 of 2016, from the second respondent to third respondent.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the Managing Director of the Shanthigram Dairy Promotion, Natham, Dindigul District and the petitioner is collecting milk from the farmers and after processing, supply the milk to the customers. He further submitted that the accused has claimed to be an authorised dealer of Ashok Leyland Company and hence the petitioner has approached the accused for purchasing a gen set for Rs.8,30,000/- and the petitioner has paid Rs.4,00,000/- in advance. But, subsequently, the accused has not supplied the gen set to the petitioner and also refused to repay the amount. He further submitted that later on it was found that the accused is not at all an authorised dealer of Ashok Leyland gen set and hence, the petitioner has lodged a complaint before the second respondent and based on the said complaint, the second respondent



has registered a case on 19.04.2016 in Crime No.455 of 2016, under Sections 294(b), 406, 420 and 506(ii) I.P.C., He further submitted that the accused has moved Anticipatory Bail application twice in Crl.O.P.(MD)Nos.7943 of 2016 and 18961 of 2016, before this Court. In those applications, the petitioner also filed intervener application and in those applications, when the Court declined to grant Anticipatory Bail, the learned counsel for the accused has withdrawn those applications and accordingly, those applications were dismissed as withdrawn. He further submitted that the second respondent has not taken any steps to arrest the accused and the conduct of the second respondent shows that he has colluded with the accused and hence the petitioner apprehend that he may not get justice, if the investigation is conducted by the second respondent and hence the investigation may be transferred to third respondent.

3.The learned Government Advocate (Crl.Side) has submitted that since the accused is absconding, the second respondent is not able to secure him and he seeks two weeks time for making progress in the case.

4.Considering the fact that though the F.I.R. has been registered on 19.04.2016 and the Anticipatory Bail applications were dismissed, the second respondent has not shown any interest to secure the accused. I am inclined to transfer the investigation to the third respondent.

5.In the result, this Criminal Original Petition is allowed and the second respondent is directed to handover the entire case records to the third respondent within a week from the date of receipt of copy of this order and thereafter the third respondent has to investigate the matter and file a final report within a period of three months.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

- 1.The Commissioner of Police,  
Madurai City.
- 2.The Inspector of Police,  
Thilagarthidal Police Station, Madurai.
- 3.The Inspector of Police,  
City Crime Branch, Madurai.

+1cc to M/S.V.P.Rajan, Advocate SR.No. 47138

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