



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P.(MD) No.989 of 2018

and

WMP(MD)No.1030 of 2018

D.Devadasan

... Petitioner

-Vs-

1. The Under Secretary,
OIA II Section,
Ministry of External Affairs,
Akbar Bhavan, New Delhi.
2. The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai. 600 004.
3. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
4. The Commissioner of Police,
Tirunelveli, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to appoint an officer not below the rank of Deputy Superintendent of Police, to investigate on complaint dated 11.12.2017 of one Jones Samuelraj Siluvaimani given to the Consulate of India at Dubai and to secure the amount which stolen to India to the tune of AED 10,00,000/- (around Rs.2 Crores) from that said company by its employee.

For Petitioner : Mr.V.Rajiv Rufus

For 1st Respondent : Mr.K.Ashokumar Ram

For RR 2 to 4 : Mr.V.Anand

Government Advocate (Crl.side)

O R D E R

This writ petition has been filed by the father cum power of attorney of the defacto-complainant to direct the second respondent to appoint an officer not below the rank of Deputy



Superintendent of Police to investigate the case in Crime No. 462 of 2017, on the file of the Kalakaddu Police Station, (Crime Branch), Nanguneri Sub Division.

2. The learned counsel appearing for the petitioner has submitted that the petitioner's son is running a company in the name and style of Royal Forex Limited. He further submitted that one Jones Samuelraj Siluvaimani was appointed as employee in the sister's concern of the said company and he has stolen a huge amount of AED 1,000,000/- (AED One Million Dirhams only - equal to around Rupees 2 Crores in Indian Money) and hence a complaint has been lodged before the Inspector of Police (Crime Branch), Kalakaddu Police Station. Based on the said complaint the case has been registered in Crime No. 462 of 2017 under Sections 294(b), 506 (ii) of I.P.C., but subsequently, no steps have been taken for arresting the persons and also recover the amount and hence, the second respondent may be directed to appoint an officer not below the rank of Deputy Superintend of Police to investigate the aforesaid matter.

3. The learned Government Advocate (Crl. side) appearing for the respondents 2 to 4 has submitted that after registering the case, the Inspector of Police (Crime Branch) Kalakkddu Police Station, has investigated the matter and he has recovered a sum of Rs. 78,64,000/- on 13.12.2017 and the same has been produced before the learned Judicial Magistrate, Nanguneri. He further submitted that since the matter is pertaining to Hawala and huge amount of Rs. 2 crores is involved, it has become necessary to enquire about the persons who are residing in foreign countries, the Inspector of Police, Kalakkadu Police Station (Crime Branch), has sent a request to the third respondent on 08.01.2018 to transfer the investigation to CB-CID. He further submitted that third respondent in turn addressed letter dated 08.02.2018 to the second respondent requesting him to transfer the investigation to the CB-CID and the said letter is under consideration before the second respondent and after considering the entire circumstances, the second respondent will pass appropriate order.

4. Considering the aforesaid submissions, the second respondent is directed to consider the letter submitted by the third respondent and pass appropriate order within a period of six weeks from the date of receipt of a copy of this order.

5. With the aforesaid observations, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-III)

/True copy/



To

1. The Under Secretary,
OIA II Section,
Ministry of External Affairs,
Akbar Bhavan, New Delhi.
2. The Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore, Chennai. 600 004.
3. The Superintendent of Police,
Tirunelveli District, Tirunelveli.
4. The Commissioner of Police,
Tirunelveli, Tirunelveli District.

+1. CC to Special Government Pleader, SR.No.51938
+1. CC to M/S.V.Rajiv Rufus, Advocate SR.No.51803
+1. CC to M/S.K.Ashok Kumar Ram Advocate SR.No.51498

W.P. (MD) No.989 of 2018
27.02.2018

das

MKV-CM-VR-SAR 2/28.2.2018/3P-8C