



4BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 25.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
Crl.O.P. (MD) No.18954 of 2018

WEB COPY

M.L.Amalraj

...Petitioner

Vs.

1.The Superintendent of Police
Sivagangai District.

2.The Inspector of Police,
Kaalaiyar Koil Police Station,
Sivagangai District.

3.The Inspector of Police,
CBCID,
Sivagangai District.

...Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C, to pass an order of direction to change the investigation from the hands of the 2nd respondent to 3rd respondent in respect of the Crime No.259 of 2018 on the file of the 2nd respondent.

For Petitioner: Mr.G.Prabhu Rajadurai

For Respondens: Mrs.S.Bharathi

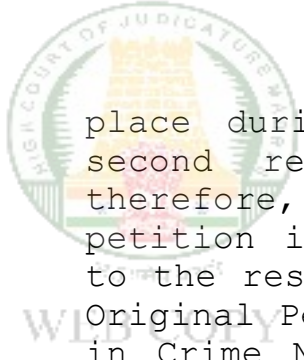
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking for transfer of investigation.

2. The learned counsel for the petitioner would submit that the petitioner is aged about 75 years. On 17.11.2017 at about 10.15.p.m., the petitioner visited Indian Bank ATM Centre and parked his vehicle, in which, he had kept of his belongings inside the box attached along with the vehicle. When he came back, he found that the bag was missing, from the vehicle side box. In the said bag, the petitioner had kept money as well as ATM Card and other documents. Immediately, the petitioner gave a complaint to the respondent police, on the same day. The ATM Card was also misused and a sum of Rs.40,000/- was withdrawn by the accused persons.

3.The learned counsel for the petitioner would submit that with very great difficulty, the petitioner found that the ATM Card was used at Kaatuparamakudi, Canara Bank, ATM Centre and on seeing the CCTV footage, the person who withdrew the money was also found and his name was also found as Vignesh Babu. The incident took



place during the month of February 2018. Even thereafter, the second respondent police did not register any F.I.R, and therefore, the petitioner approached this Court and filed a petition in CrI.O.P.(MD)No.9093 of 2018, seeking for a direction to the respondent police to register F.I.R. Pending this Criminal Original Petition, the second respondent police registered F.I.R., in Crime No.259 of 2018 for an offence punishable under Section 379 of I.P.C. Even in the F.I.R, the name of the accused is not reflected, F.I.R has been filed against the unknown person.

4. The learned counsel by pointing out the above said facts would submit that in this case, where the ATM Card belonging to the petitioner was misused and the person who misused the ATM card has been identified as early as in the month of February 2018 and the second respondent police inspite of being informed about the crime and the person who committed the crime, chose to wait till the month of June 2018, even to file F.I.R and even thereafter, the second respondent police have not been proceeded further in this case. Therefore, the learned counsel for the petitioner would submit that the investigation is to be transferred to some other agency.

5.The learned Government Advocate (Criminal Side) would submit that the F.I.R was registered in this case in the month of June 2018 and the case is pending for investigation by the respondent police.

6.This Court is disturbed with the manner, in which this case is investigated by the second respondent herein in a case where the incident has happened in the month of November 2017. The petitioner with very great difficulty has found out the Branch, in which ATM Card has been used and has also managed to find the name of person who had used the card. This information was given to the second respondent police as early as in the month February 2018. Inspite of the same, the second respondent police did not registered any F.I.R. Therefore, the petitioner was forced to approach this Court and pending the criminal original petition, the second respondent has register an F.I.R for the offences punishable under Section 379 I.P.C against unknown person.

7.Till today, the named person who was found to have misused the ATM Card has not been arrested.

8.This Court finds that there is a clear lackadaisical approach on the part of the second respondent. This Court is not happy with the manner in which the second respondent is conducting the investigation in this case.

<https://hcservices.equity.gov.in/hcservices/> 9. In the facts and circumstances, the first respondent is directed to monitor this case. The first respondent shall immediately direct the second respondent to effectively conduct



the investigation and bring the accused persons to book. The first respondent shall ensure that the investigation goes in right path and a final report is filed in this case as expeditiously as possible.

10. This Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Superintendent of Police,
Sivagangai District.
2. The Inspector of Police,
Kaalaiyar Koil Police Station,
Sivagangai District.
3. The Inspector of Police,
CBCID, Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.G.PRABHU RAJADURAI, ADVOCATE IN SR NO.92146
DAS
BU/PM/SAR-IV :23.11.2018 : 3P/6C

Cr1.O.P. (MD) No.18954 of 2018
25.10.2018