



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **28.08.2018**

CORAM

THE HON'BLE MR.JUSTICE **N.ANAND VENKATESH**

WEB COPY

Crl.O.P. (MD) No.15020 of 2018

Arun Prabhu

...Petitioner

-Vs-

1. The Commissioner of Police,
Subramaniamapuram,
Trichy District.

2. The Assistant Commissioner of Police,
City Crime Branch,
Trichy District.

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

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent to transfer the investigation in C.No.732/GP/DCP(L&O)/TRC/2018 dated 18.07.2018 pending on the file of the third respondent to any other competent independent agency to take necessary action at earliest in accordance with law.

For Petitioner : Ms.R.Yamuna

For Respondents : Mrs.S.Bharathi

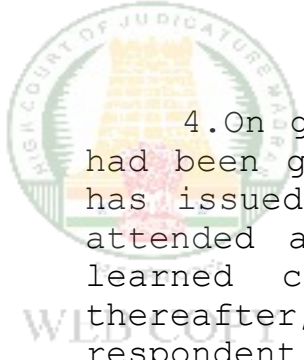
Government Advocate

ORDER

This criminal original petition has been filed to transfer the investigation regarding the complaint dated 18.07.2018, which is pending before the third respondent.

2.The learned counsel for the petitioner would submit that there is a money dispute between the petitioner and the de-facto complainant. The de-facto complainant had given a complaint before the third respondent and based on the complaint, the third respondent was repeatedly making the petitioner to attend the enquiry and harassing him and forcing the petitioner to pay the money to the de-facto complainant. Hence, the present criminal original petition has been filed.

3.The learned Government Advocate would submit that the de-facto complainant had given a complaint against the petitioner on the ground that he has been cheated to the tune of Rs.14,00,000/-. This complaint is being enquired by the third respondent.



4. On going through the records, it is seen that the complaint had been given as early as on July 2018 and the third respondent has issued summons to the petitioner and the petitioner has also attended an enquiry based on the summons on 29.07.2018. The learned counsel for the petitioner would submit that even thereafter, the petitioner has appeared before the third respondent and he has made to sit in the police station for the whole day.

5. In the facts and circumstances of this case, the third respondent cannot keep the complaint in the enquiry stage endlessly and on prima facie material, the third respondent has to come to a conclusion whether FIR has to be registered or the complaint has to be closed. It is nearly one month since the complaint is kept at the stage of enquiry.

6. Accordingly, this criminal original petition is disposed of with a direction to the third respondent to either register the FIR or close the complaint and take a decision in that regard within a period of one week from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar (Cs-I)

To

1. The Commissioner of Police,
Subramaniyapuram,
Trichy District.
2. The Assistant Commissioner of Police,
City Crime Branch,
Trichy District.
3. The Inspector of Police,
City Crime Branch,
Trichy.

+1cc to Ms.R.Yamuna, Advocate Sr.No.80471

MM

VB/SKN/SAR1/11.09.2018/2P/5C

Cr1.O.P. (MD) No.15020 of 2018
28.08.2018