

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 15.10.2019
Pronounced on : 17.10.2019

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19810 of 2016

S.S.Rajendran

... Petitioner

Vs.

1.The Director General of Police,
Chennai.

2.The Joint Director,
Central Bureau of Investigation (Zone-3).

3.The Superintendent of Police,
Villupuram District,
Villupuram.

4.The Inspector of Police,
District Crime Branch,
Villupuram.

.... Respondents

PRAYER: Criminal Revision is filed under Sections 397 & 401 r/w 482 of the Code of Criminal Procedure, to direct the 4th respondent to transfer the complaint in Crime No.111 of 2014 dated 18.12.2014 on the file of the 4th respondent Police to the 2nd respondent Director of Central Bureau of Investigation (Zone-3), Chennai for effective and comprehensive investigation and thereby to file an appropriate final report before the jurisdictional magistrate.

For Petitioner : M/s.Swamidoss Manoharan

For R1, R3 to R4 : Mrs.M.Prabhavathy,
Additional Public Prosecutor

For R2 : Mr.K.Srinivasan,
Special Public Prosecutor (CBI Cases)

ORDER

This Criminal Original Petition has been filed seeking for transfer of the investigation in Crime No.111 of 2014, dated 18.12.2014, on the file of the 4th respondent Police to the 2nd respondent.

2. Based on the complaint of the petitioner, a case in Crime No.11 of 2014 was registered by the 4th respondent, for the offence under Sections 406, 420, 294(b) and 506(i) of IPC against one Srinivasan/A1, who is an Education Consultant in AISY Consultancy, Bangalore. The case of the petitioner/defacto complainant is that the 1st accused had cheated the petitioner on a false assurance he can secure recognized medical seat by collecting huge sums of money of Rs.17 lakhs, of which Rs.7 lakhs paid through bank and Rs.10 lakhs paid in cash. When the accused could not secure medical seat for the petitioner's daughter, the petitioner started demanding the repayment of the said amount, which the petitioner was able to arrange through pledging of jewels and borrowings. The borrowed amount to be repaid. The jewels were to be redemand and was in the verge of auction the petitioner desperately needed money.

3. Further, the petitioner on several occasion called upon the accused, who was evading repayment, later informed to the petitioner to collect the money from one Raja/A2, who is an advocate in Villupuram. The said Raja promised that he would make the payment of Srinivasan. The said Raja, who is the District Legal Wing Secretary of a political party and was close associate of former minister a political bigwigs, the said Raja constantly threatened the petitioner ask for money. The petitioner and his family members were at risk of attack of henchmen. Unable to bear the same the petitioner had lodged a complaint. The 4th respondent after registration of the case failed to conduct any investigation and was under the influence and control of the said Raja/A2.

4. The petitioner filed a petition in CrI.M.P.No.1635 of 2015 under Section 319 Cr.P.C in deleting Raja as an accused by the 4th respondent. The learned Judicial Magistrate No.I, Villupuram by order dated 04.03.2015 directed the 4th respondent to conduct an enquiry and file a report by 09.04.2015. The 4th respondent neither conducted any investigation nor examined the petitioner, his wife and his daughter nor recorded their statement, instead had examined three persons viz., Senthilkumar, Ravichandran and Sathanandham/LW4, LW5 and LW6 in C.C.No.155 of 2019 and failed to include the said Raja as an accused. Thereafter on 21.05.2019 the presiding officer on further hearing in CrI.M.P.No.1635 of 2015 by order dated 02.07.2019 given a finding that there is sufficient materials against the said Raja and issued summons in C.C.No.155 of 2019. The said Raja had filed CrI.O.P.No.24613 of 2019 before this Court by engaging a Senior Counsel on issuance of summons against him. This Court by order dated 12.09.2019 granted interim stay till 17.10.2019 in C.C.No.155 of 2019. Now, the proceedings in C.C.No.155 of 2019 had been successfully stalled.

5. It is also brought to the notice of this Court that the 1st accused Srinivasan is involved in the following seven

cases:-

Sl.No .	Crime No.	Police Station	Court Name	Next Date of Hearing
1.	886/14	HSR Layout, Bengaluru	Hon'ble IV Additional Chief Metropolitan Magistrate	06.02.2016
2.	887/14	HSR Layout, Bengaluru	Hon'ble IV Additional Chief Metropolitan Magistrate	23.02.2015
3	937/14	HSR Layout, Bengaluru	Hon'ble IV Additional Chief Metropolitan Magistrate	23.02.2015
4	941/14	HSR Layout, Bengaluru	Hon'ble IV Additional Chief Metropolitan Magistrate	23.02.2015
5	940/14	HSR Layout, Bengaluru	Hon'ble IV Additional Chief Metropolitan Magistrate	23.02.2015
6	942/14	HSR Layout, Bengaluru	Hon'ble IV Additional Chief Metropolitan Magistrate	23.02.2015
7	1/5	CCB, Tirupur, T.N	Hon'ble Judicial Magistrate No.I, Tirupur, T.N	12.02.2015

6.The said Srinivasan is an habitual offender, who cheated several persons and had usurped huge sums of money runs to several crores with active connivance and support of bigwigs, the 2nd accused Raja. Thereby, several innocent persons have been cheated. Though, this Court could feel pity on the petitioner having lost huge sums of Rs.17 lakhs, in seeing the color of coin from the year 2014. Not only that, his daughter also lost one year of her precarious carrier due to false promise and cheating of Srinivasan, who is well supported, aided and guarded by Raja.

7.It is seen that the investigation in this case has been completed and charge sheet already filed before the learned Judicial Magistrate No.I, Villupuram and the same is taken on file as C.C.No.155 of 2019.

8.In view of the above, this Criminal Original Petition cannot be entertained. Accordingly, the same is dismissed.

Sd/-

Assistant Registrar(CS)

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Sub Assistant Registrar

vv2
To

1.The Director General of Police,
Chennai.

2.The Joint Director,
Central Bureau of Investigation (Zone-3).

3.The Superintendent of Police,
Villupuram District,
Villupuram.

4.The Inspector of Police,
District Crime Branch,
Villupuram.

5 The Judicial Magistrate NO.II, Villupuram.

6 The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Swamidoss Manoharan Advocate SR.No. 87243
Cr1.O.P.No.19810 of 2016
A.SK(12/12/2019)



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