

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:26.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2804 of 2019

R.Baskaran

...Petitioner

Vs.

State rep. by

The Inspector of Police, Crime

N-1, Royapuram Police Station

Chennai

(Crime No.59/2016)

... Respondent

PRAYER:Criminal Original Petition filed under Section 482 Cr.P.C. to withdraw the investigation from the file of the Inspector of Police in Crime No.59 of 2016, N-1, Royapuram Police Station, Royapuram, Chennai to any other investigating agency pending investigation in Crime No.59/2016 on the file of the respondent.

For Petitioner : Mr.J.Raju

For Respondent : Mr.M.Mohamed Riyaz for R1 to R4
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner to withdraw the investigation from the file of the Inspector of Police in Crime No.59 of 2016, N-1, Royapuram Police Station, Royapuram, Chennai to any other investigating agency pending investigation in Crime No.59/2016 on the file of the respondent.

2.The case of the prosecution is that A1 & A2 have assured the petitioner / defacto complainant to get M.B.B.S. seat in China for his daughter and received a sum of Rs.16 lakhs on various modes. Thereafter, A1 & A2 have neither secured an MBBS seat nor returned the money received from the petitioner. Hence a case was registered as against the accused persons in Crime No.59/2016 for the offence under Sections 420, 406, 294(b), 506(i) IPC.

3. Thereafter, the accused persons i.e. A1 & A2 moved a petition for anticipatory bail in CrI.O.P.No.19868 of 2018 before this Court. This court granted anticipatory bail to the accused persons on condition to deposit a sum of Rs.5 lakhs in the Crime No.59/2016 within a period of two weeks. As the imposed condition in CrI.O.P.No.19868 of 2018 has not been complied by the accused, the petitioner filed a cancellation of bail petition in CrI.O.P.No.894 of 2019 and by order dated 25.01.2019, this Court has cancelled the anticipatory bail granted to A1 & A2. The other anticipatory bail petitions filed for other accused persons has also dismissed by the Sessions Court, Chennai in CrI.M.P.No.13580 of 2018 filed by one Malliga and CrI.M.P.No.13579 of 2018 filed by one Bhavani Shankar on 20.08.2018. Even after the cancellation of bail ordered by this Court in CrI.O.P.No.894 of 2019 on 25.01.2019, the respondent police have not taken any steps to secure the accused persons. Though this Court directed the respondent police to expedite the investigation in CrI.O.P.No.11982 of 2018, they have not started the investigation yet. Hence, the petitioner prays for transferring of the investigation to some other agency.

4. Heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

5. It is seen that A1 & A2 moved anticipatory bail petition before this Court. This Court while granting anticipatory bail to them in CrI.O.P.No.19868 of 2018 dated 26.10.2018, imposed a condition to deposit a sum of Rs.5 lakhs to the credit of Crime No.59 of 2016 within a period of two weeks. As the condition imposed on the Accused persons has not been complied with, the anticipatory bail granted to the accused persons i.e. A1 & A2 was cancelled by this Court in its order dated 25.01.2019 in CrI.O.P.No.894 of 2019. In the said order, this court directed the respondents to secure A1 & A2, but the respondent police have not taken any steps to secure the accused persons till now.

6. Considering the facts and circumstances of this case, at this stage transfer of investigation would affect the investigation process. Therefore, the respondent police is hereby directed to comply with the order passed by this Court on 25.01.2019 in CrI.O.P.No.894 of 2019 and also complete the investigation and file a final report in Crime No.59 of 2016 before the concerned jurisdictional Magistrate within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police, Crime
N-1, Royapuram Police Station
Chennai
(Crime No. 59/2016)

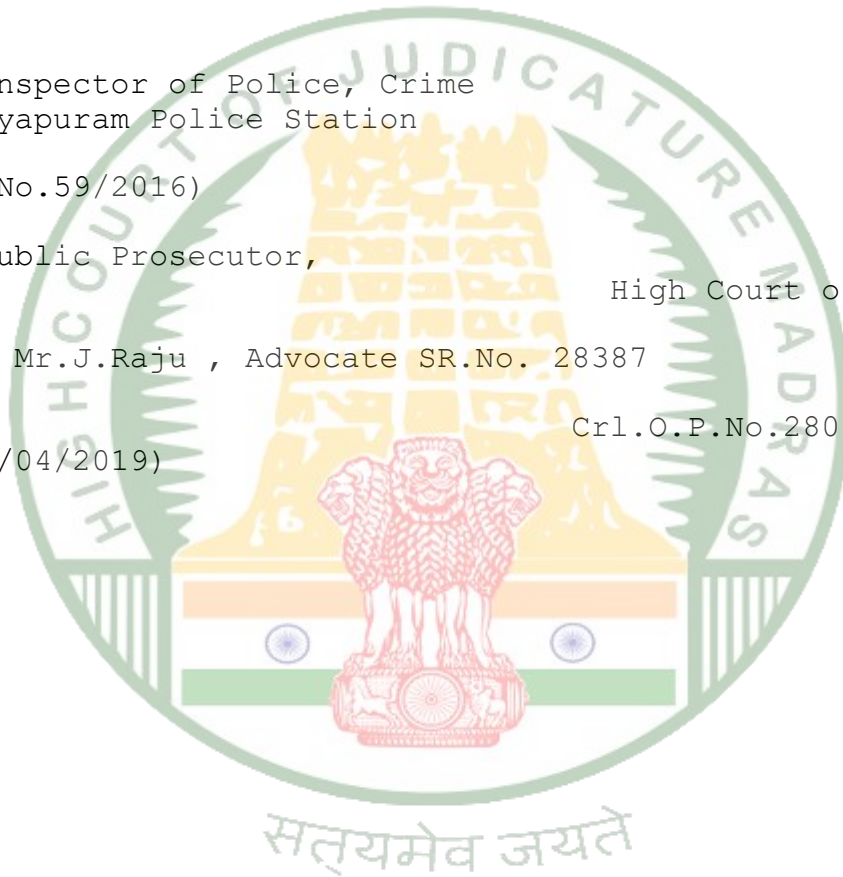
2. The Public Prosecutor,

High Court of Madras.

+1cc to Mr. J. Raju, Advocate SR.No. 28387

Cr1.O.P.No. 2804 of 2019

A.SK(25/04/2019)



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