

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4934 of 2019

K.Raghupathy

... Petitioner

Vs.

State by:

1.The Director General of Police,
Tamil Nadu, Kamarajar Salai,
Chennai-600 004.

2.Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.
(X.Crime No.285 of 2017)

3.Deputy Commissioner of Police,
Central Crime Branch,
Greater Chennai,
Vepery, Chennai-600 007.

4.The Sub-Inspector of Police,
(currently Inspector of Police)
Central Crime Branch, EDF Team-1,
Vepery, Chennai-600 007.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to change the investigation to any other competent Investigation Agency to investigate this case further, which is currently pending with X.Crime No.285 of 2017 on the file of Inspector of Police, Central Crime Branch, Team-I, Chennai in a fair and just manner and submit a final report within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor.

O R D E R

This petition has been filed to transfer the investigation in X.Crime No.285 of 2017, pending on the file of the 4th respondent police to any other investigation agency.

2.The petitioner viz.,T.Raghupathy was introduced to one Gani, who is the resident of Tiruvannamalai Town, by one of his friend. The said Gani has approached the complainant many times and told him that he is doing various businesses like import and export of scrap and he had secured a tender for lifting scrap materials i.e., Platinum, Silver, Copper and Gold from Hindustan Copper Limited, which is a Government of India undertaking. Believing the words of the accused, the complainant has given an amount of Rs.2,80,18,341/- to the accused, through various bank accounts of the family members of the accused. Even after receiving the amount, the accused neither delivered the goods nor returned the said amount. When he approached the said Gani to return the money, he demanded another Rs.10 Crores to deliver the goods and also threatened him with dire consequences. Hence, the petitioner lodged a complaint with the respondent police and a case was registered in Crime No.285 of 2017 and the investigation is still pending. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3.The learned Additional Public Prosecutor filed a status report filed by the Inspector of Police, EDF-I, Team-II, CCB, Vepery, Chennai, wherein it is stated that investigation is in progress and witnesses have been examined and recorded their statements. The bank accounts of the A1 has been freezed. It is also stated that pending investigation, the petitioner filed a bail petition in CrI.O.P.No.20391 of 2017 and when the matter was taken up for hearing, the learned counsel for the defacto complainant informed that both the parties compromised each other and recording the aforesaid statement, this Court granted bail to the petitioner. Thereafter, the defacto complainant filed cancellation of bail petition in CrI.O.P.No.23936 of 2017, which was allowed and cancelled the bail to the petitioner. The learned Additional Public Prosecutor submitted that the investigation is going on and almost reached its finality. Hence, he vehemently opposed to transfer the case to any other investigating agency.

4.Heard both sides and perused the records placed before this Court.

5.Considering the facts and circumstances of the case and also the submission made by the learned Additional

Public Prosecutor that the investigation is almost completed, transferring of investigation to any other competent agency would not serve the purpose. Therefore, this Court is not inclined to transfer the investigation.

6.However, the complaint in Crime No.285 is of the year 2017, the 4th respondent is directed to secure the first accused and to comply the order passed by this Court dated 31.07.2018 and complete the investigation and to file a final report within a period of three months from the date of receipt of copy of this order. The 3rd respondent is also directed to monitor the investigation and also ensure that the 4th respondent completes the enquiry and files the final report within three months.

7.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

1.The Director General of Police,
Tamil Nadu, Kamarajar Salai,
Chennai-600 004.

2.The Commissioner of Police,
Greater Chennai,
Vepery, Chennai-600 007.

3.The Deputy Commissioner of Police,
Central Crime Branch,
Greater Chennai,
Vepery, Chennai-600 007.

4.The Sub-Inspector of Police,
(currently Inspector of Police)
Central Crime Branch, EDF Team-1,
Vepery, Chennai-600 007.

5.The Public Prosecutor, High Court, Madras.

+1cc to Mr.K.M.Ramesh , Advocate SR.No. 30931

CrI.O.P.No.4934 of 2019

A.SK(17/05/2019)