

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.OP No.16650 of 2019

A.Kumaraguru

...Petitioner /Defacto Complainant

.Vs.

1.Superintendent of Police,
Erode District,
Gandhiji Road,
Marabalam, Erode-638 001.

2.State Represented by,
Inspector of Police,
Andhiyur Police Station,
Erode District,
Erode-638 501.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation in Cr.No.85 of 2019, on the file of Inspector of Police, Andhiyur Police Station, Erode District, Erode-638 501 to any other competent agency.

For Petitioner : Mr.R.John Sathyan

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

ORDER

This Criminal Original Petition has been filed seeking to transfer the investigation in Cr.No.85 of 2019, pending investigation on the file of the 2nd respondent Police.

2.The transfer has been sought for by the petitioner who is a de facto complainant on the ground that the petitioner was cheated by not repaying back a sum of Rs.6 lakhs which was collected towards a chit that was run by the accused persons. The further allegation that has been made in the petition is that the petitioner was not even called for enquiry and no statement was recorded from the petitioner.

3.The learned counsel for the petitioner submitted that only after filing of this petition, investigation commenced and some steps were taken by the Investigating Officer to take statements from the witnesses. The learned counsel submitted that the accused persons filed an anticipatory bail petition before this Court and this Court granted anticipatory bail by imposing a condition to the accused person to deposit a sum of Rs.3 lakhs and the said amount has also been deposited. The learned counsel concluded his arguments by submitting that even if this Court is not inclined to transfer the investigation, the investigation has to be necessarily monitored by a higher official, failing which, the investigation will not proceed further effectively.

4.The respondent Police have filed a Status Report before this Court. The relevant portion of the Status Report is extracted hereunder:

"5. Examined the following witnesses and recorded their statements:

(1) Tr.Kumaraguru - De facto complainant/petitioner herein
(2) Tr.Seerangan, (3) Tr.Ravichandran,
(4) Tr.Mustafa &
(5) Tr.Murali - Other bidders of the accused chit company.

1st Witness corroborated the same version of the complainant. 2nd to 5th witnesses speaks about that they were also joined in the monthly chit in the accused chit fund, after the maturity period, they repaid the chit maturity amount.

6.I submit that apprehending arrest, A-1 obtained Anticipatory bail before the Principal District and Sessions Court, Erode, in CrI.M.P.No.633 of 2019 dated 25.04.2019. It is further submitted that from the date of registration of the FIR, the other accused namely Karthikeyan [A-1] is still absconding. The respondent police has been taking their sincere and effective steps to secure him".

5.The learned Additional Public Prosecutor on instructions submitted that the respondent Police is taking effective steps to apprehend A-2 and a Final Report will be filed within a short time.

6.This Court has carefully considered the submissions made on either side and the materials available on record.

7.It is seen that there is now some progress in the investigation and the statement of the witnesses have been recorded and steps are being taken to apprehend A-2. A-1 has already obtained anticipatory bail before this Court and A-1 has deposited a sum of Rs.3 lakhs. At this stage, this Court is not inclined to transfer the investigation and in the considered view of this Court, it will be enough if the investigation is monitored by a higher official to ensure that the investigation progresses effectively.

8.The grievance of the petitioner is that no statement has been taken from the petitioner. This grievance can be easily met by directing the Investigating Officer to take further statement from the petitioner in the course of investigation.

9.In the result, this Criminal Original Petition is disposed of by directing the 2nd respondent to continue further with the investigation and the same shall be monitored by the 1st respondent viz; the Superintendent of Police, Erode District. The investigation shall be completed within a period of three months and a Final Report shall be filed before the concerned Court.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

KP

To

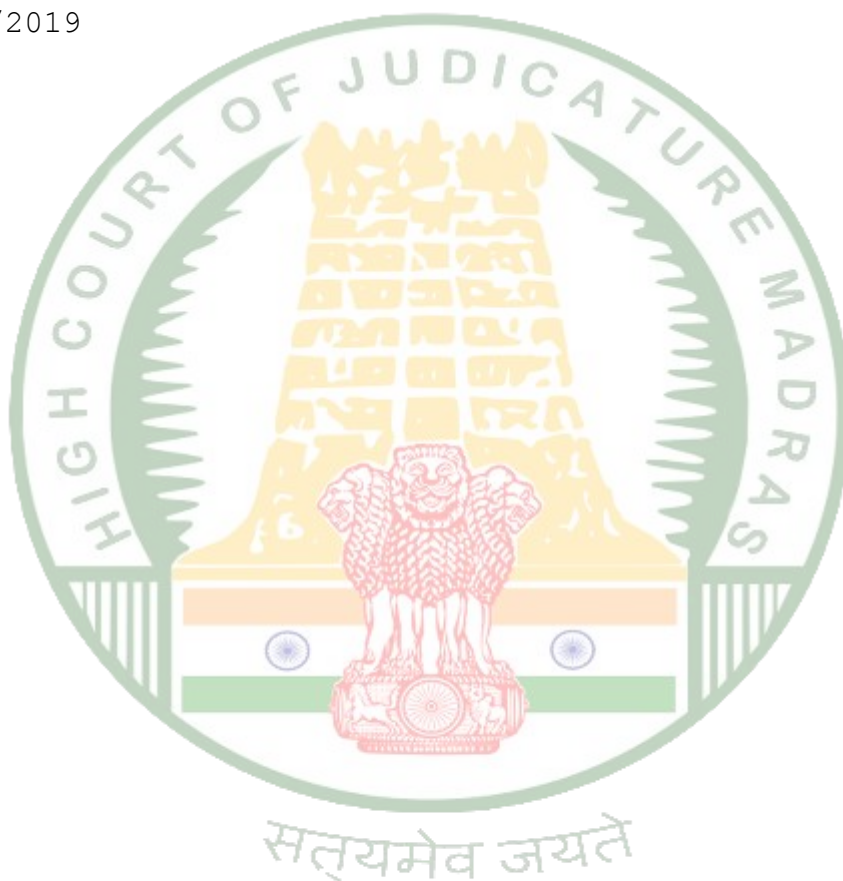
1.The Superintendent of Police,
Erode District,
Gandhiji Road,
Marabalam, Erode-638 001.

2.The Inspector of Police,
Andhiyur Police Station,
Erode District,
Erode-638 501.

3.The Public Prosecutor,
High Court of Madras,
Madras.

Cr1.OP No.16650 of 2019

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