



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**

Crl.O.P. (MD) No. 3667 of 2019

Ganesan

... Petitioner

/Vs./

1. The Commissioner of Police,
Trichy City, Trichy.

2. The Inspector of Police,
K.K.Nagar Police Station,
K.K.Nagar, Trichy.

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

... Respondent

[R-3 is impleaded vide order dated 25.03.2019 in Crl.M.P. (MD) No. 2758 of 2019.]

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondents to recover the cheated money from the accused persons in Crime No. 415 of 2018 pending on the file of the 2nd respondent within the time stipulated by this Court and further direct the respondents to take immediate action to prevent the accused persons from fleeing away from the country by issuing look out circular to the concerned authority.

For Petitioner : Mr. R. Rajesh

For Respondents : Mr. V. Neelakandan
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed (a) to secure the accused in Crime No. 415 of 2018 registered *inter alia* under Section 420 IPC and (b) to secure the money cheated by the accused persons.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor.

3. To recover the money alleged to have been cheated from the accused persons is beyond the Court jurisdiction. The prosecution under law is only called upon to investigate and lay the final report and to prosecute the case during trial in a manner that justice is done to the victim of the crime and therefore, the second



part of the petitioner's prayer cannot be sustained and if at all the petitioner is keen to do the same, he may move the Civil Court.

4. As to the first part, it is all about the quality of investigation now undertaken by the third respondent. Now, the Assistant Commissioner Police (CCB), Trichy is directed to monitor the course of investigation undertaken by the third respondent and to ensure that the investigation is taken to its logical conclusion. Final report is directed to be laid within a period of six months from the date of receipt of a copy of this order.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Commissioner of Police,
Trichy City, Trichy.
 - 2.The Assistant Commissioner Police (CCB),
Trichy.
 - 3.The Inspector of Police,
K.K.Nagar Police Station,
K.K.Nagar, Trichy.
 - 4.The Inspector of Police,
City Crime Branch,
Trichy.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.RAJESH, Advocate in SR-59000

Cr1.O.P. (MD)No.3667 of 2019
02.04.2019

sm

PK/06.05.2019 : 2P/7C