



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2019

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.3820 and 3821 of 2019

P.K.Srithar ... Petitioner in Crl.O.P.(MD)No.3820 of 2019
Mallika Venugopal ... Petitioner in Crl.O.P.(MD)No.3821 of 2019

/Vs./

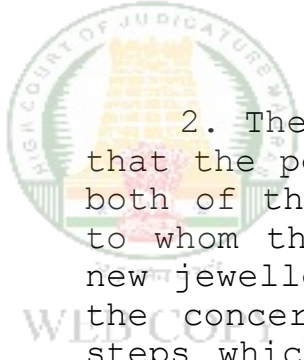
- 1.The Superintendent of Police, Thanjavur District, Thanjavur.
- 2.The Assistant Superintendent of Police,
Pattukottai, Thanjavur District.
- 3.The Inspector of Police, G-1 Town Police Station,
Pattukottai, Thanjavur District.
- 4.The Superintendent of Police,
C.B.C.I.D., Thanjavur District,
Thanjavur District, Thanjavur.
... Respondents in both petitions

Common Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to issue direction, directing the respondents 1 to 3 to withdraw the case in Crime No.201 and 193 of 2017 pending on the file of the 3rd respondent police and to transfer the same to the 4th respondent or to some other agency, for further proper investigation of the case and to file a final report before the appropriate Court.

For Petitioner : Mr.A.Ramalingam
For Respondents : Mr.V.Neelkandan
Additional Public Prosecutor
(in both petitions)

COMMON ORDER

These two petitions are filed to transfer the investigating agency from the third respondent preferably to the fourth respondent.



2. The learned counsel appearing for the petitioners submitted that the petitioners in both the cases are different personnel and both of them have transacted from the same set of accused persons to whom they have parted with their old gold jewellery to obtain new jewellery. The complaint was preferred by both of them before the concerned police and it was not even accorded the minimum steps which the complaint disclosing cognizable offence deserves. Thereafter, both the parties moved the concerned Magistrate with separate private complaints and the learned Magistrate had referred the matter to the police under Section 156 (3) Cr.P.C., based on which, cases in Crime No.201 of 2017 and 193 of 2017 were registered *inter alia* for offences under Sections 403, 406, 420 and 120 (b) IPC. The matters are pending investigation till date.

3. The learned counsel appearing for the petitioners also brought to the notice of the Court that apart from the petitioners herein, few other individuals have also made separate complaints to the police and to the knowledge of the petitioners, they are not even taken on record and no case has yet been registered.

4. The learned Additional Public Prosecutor submitted that to the extent the investigation has been undertaken, the petitioner could not provide any materials about entrusting the accused persons with gold jewellery. He also added that the accused persons are one family members and North Indians.

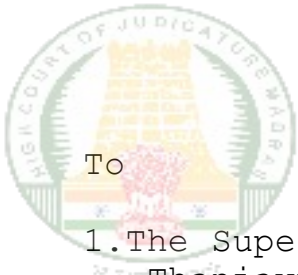
5. The statement made on behalf of the investigating agency does not impress this Court. This Court finds an element of indifference on display by the investigating agency throughout. Considering the inadequate confidence on the quality of the investigation, this Court considers that it is appropriate to transfer the investigation from the third respondent to the fourth respondent. The entire CD file is directed to be handed over to the fourth respondent within a period of 15 days from the date of receipt of a copy of this order. Upon receipt, the third respondent either directly or through other police official shall cause a proper investigation of this case. Accordingly, these criminal original petitions are disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Superintendent of Police,
Thanjavur District, Thanjavur.

2.The Assistant Superintendent of Police,
Pattukottai, Thanjavur District.

3.The Inspector of Police, G-1 Town Police Station,
Pattukottai, Thanjavur District.

4.The Superintendent of Police,
C.B.C.I.D., Thanjavur District,
Thanjavur District, Thanjavur.

5.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.RAMALINGAM, Advocate(SR-53520[F] dated
13/03/2019)

sm

CrI.O.P.(MD)No.3820 and 3821 of 2019
13.02.2019

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