



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.09.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P(MD)No.1196 of 2017

C.Balasubramanian

.. Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli.

2. The Inspector of Police,
City Crime Branch,
Tirunelveli District.

3. The Inspector of Police,
CBCID, Tirunelveli.

.. Respondents

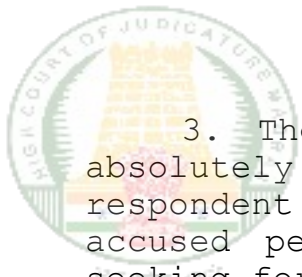
PRAYER:- Petition filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to withdraw the investigation in Crime No.29/2015 on the file of the City Crime Branch Police, Tirunelveli City and transfer to any other agency, as like that of 3rd respondent.

For Petitioner	: Mr.S.Chellapandian
For Respondents	: Mr.M.Chandrasekaran Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.29/2015, pending on the file of the second respondent police.

2. The petitioner is the defacto complainant. He wanted to avail loan for developing his business and therefore, he had approached the accused persons. The accused persons promised the petitioner to get a loan of a sum of Rs.20 crores and made the petitioner pay a sum of Rs.16,50,000/- in their bank account, on the promise that the said amount is required in order to purchase stamp papers. The petitioner had paid this amount both by way of bank transfer and by direct payment to the accused persons. Later, the petitioner came to know that he has been cheated by the accused persons and therefore, a complaint was given before the second respondent and an FIR was registered in Crime No.29/2015.



3. The grievance of the petitioner is that there has been absolutely no progress in the investigation and the second respondent police failed to take necessary action against the accused persons. Therefore, the petitioner is before this Court seeking for transfer of investigation.

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4. The learned counsel for the petitioner submitted that the respondent police, in the course of investigation has sought for the whereabouts of A1, who is the kingpin behind the entire crime and the petitioner had also provided the information. However, when the respondent police attempted to secure A1 at Kerala, with his influence, he escaped from the respondent police. Thereafter, the respondent police have not taken any steps to secure him and the investigation has come to a stand still. The learned counsel submitted that the petitioner had lost a sum of Rs.16,50,000/- and he has been cheated by the accused persons and because of this, the business of the petitioner ended with a loss and the petitioner has virtually become bankrupt.

5. The learned Additional Public Prosecutor, on instructions submitted that the accused persons hails from Kerala and all steps are being taken to secure the accused persons. A status report was also filed before this Court explaining the various steps taken by the respondent police in the course of investigation.

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

7. The fact remains that the FIR was registered in the year 2015 and for the last four years, the investigation is pending and no final report has been filed till date. The petitioner has paid part of the amount by way of bank transfer and part of the amount is said to have been paid directly to the accused persons. A1 seems to be the main accused and he is residing at Trivandram and inspite of the best efforts taken by the police, he was not able to be secured. Therefore, the respondent police are not in a position to complete the investigation.

8. Taking into consideration the facts and circumstances of the case, there shall be a direction to the Deputy Commissioner (Crimes), Tirunelveli City, to monitor the investigation conducted by the second respondent police and all steps shall be taken to secure the accused persons and complete the investigation. The Deputy Commissioner (Crimes), Tirunelveli City, shall ensure that the investigation is completed by the second respondent and a final report is filed before the appropriate Court within a period of four months from the date of receipt of a copy of this order.



9. This Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

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Sub Assistant Registrar

To

1. The Deputy Commissioner (Crimes),
Tirunelveli.
2. The Superintendent of Police,
Tirunelveli.
3. The Inspector of Police,
City Crime Branch,
Tirunelveli District.
4. The Inspector of Police,
CBCID, Tirunelveli.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S. CHELLAPANDIAN, Advocate (SR-85105[F] dated
04/09/2019)

CRL.O.P (MD) No.1196 of 2017
03.09.2019

PJL

MS/06.09.2019/3P.7C