

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2020

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.1317 of 2020

R.Muthusamy

...Petitioner

-Vs-

1.State Rep by,

The Superintendent of Police
Economic Offences Wing
Chennai.

2.The Deputy Superintendent of Police

Economic Offences Wing II, Erode
Erode 638 001.

3.The Deputy Superintendent of Police

Economic Offences Wing II, Namakkal
Namakkal 637 001.

4.The Inspector

Economic Offences Wing II, Erode
Erode 638 001.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to transfer the investigation in Crime No.2 of 2019 pending on the file of the 4th respondent to the file of the third respondent.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

ORDER

This petition has been filed by the accused No.3 to transfer the investigation in Crime No.2 of 2019 from the file of the fourth respondent to the third respondent.

2. The learned counsel for the petitioner has submitted that the petitioner has been arrayed as accused No.3 in Cr.No.2 of 2019 on the file of the fourth respondent for the alleged offences under Sections 120(B), 406 and 420 and Section 5 of the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997. He further submitted that the petitioner is residing at Namakkal District and his properties are situated only in Namakkal District and some of the depositors lodged a complaint before the third respondent and therefore, he requested to transfer the investigation in Cr.No.2 of 2019 from the file of the fourth to the third respondent.

3. Per contra, the learned Additional Public Prosecutor has submitted that based on the complaint lodged by one

M.Ammasai, the fourth respondent has registered a case against the petitioner and others in Cr.No.2 of 2019 under Sections 120(B), 406 and 420 and Section 5 of the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997 and took the matter for investigation. He further submitted that the investigation reveals that the petitioner and other accused persons have collected the amount of more than two crores from various depositors and only with a view to stall the investigation, the petitioner has filed the present petition and hence, he opposed this petition.

4. Since the fourth respondent has registered the First Information Report and also commenced the investigation, the petitioner's request cannot be acceded. If any complaint is received by the third respondent with regard to the aforesaid transaction, necessarily he has to transfer those complaints to the fourth respondent. Therefore, this Court does not find any merits in this petition.

P.RAJAMANICKAM,J.,
dna

5. In the result, this Criminal Original Petition is dismissed.

23.01.2020

Index : Yes/No
Internet : Yes/No
dna

To

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- 5.The Public Prosecutor,
High Court, Madras.

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