



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R. PONGIAPPAN**

Crl.O.P.[MD]Nos.6251, 6252, 6253 and 6254 of 2020

K.C.Lalitha ... Petitioner in
Crl.O.P(MD).No.6251 of 2020
K.S.Rajanbabu ... Petitioner in
Crl.O.P(MD).No.6252 of 2020
K.S.Chandran ... Petitioner in
Crl.O.P(MD).No.6253 of 2020
Santhi ... Petitioner in
Crl.O.P(MD).No.6254 of 2020

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai. ...1st Respondent in all
petitions
2.The Inspector of Police,
Avaniyapuram Police Station,
Madurai District. ...2nd Respondent/Complainant
in all petitions
3.J.K.M.Santharam
4.J.S.Gomathi
5.G.V.Manikandan
6.G.M.Devi ... Respondents 3 to 6/Accused
1 to 4 in all petitions

COMMON PRAYER : Criminal Original Petitions are filed under Section 482 of Cr.P.C, to direct the first respondent to transfer the investigation from the second respondent to City Crime Branch, Madurai City or any other competent or investigation agency for further investigation in Crime Nos.826, 807, 806 and 827 of 2019 which is pending before the second respondent.

For Petitioners : Mr.J.Selvin Rajesh

<https://hcservices.ecourts.gov.in/hcservices/> petitions)



For R-1 : Mr.S.Chandrasekar
(in all petitions) Additional Public Prosecutor

COMMON ORDER

WEB COPY

The petitioners are the defacto complainant in the cases registered in Crime Nos.826, 807, 806 and 827 of 2019 under Sections 406, 420 and 506(i) of I.P.C pending on the file of the second respondent police. Now the petitioners have approached this Court by invoking Section 482 of Cr.P.C., for the relief of direction directing the first respondent to change the investigation from the second respondent to some other Superior Officer above the rank of the second respondent.

2.The learned counsel appearing for the petitioners would submit that in earlier due to the inaction on the part of the second respondent, the petitioners herein approached the Jurisdictional Magistrate and then only after passing an order by the Magistrate, the cases have been registered against the respondents 3 to 6. After registration of the cases in 2019, sofar investigation has not been progressed and kept pending with the second respondent. Hence, in the interest of justice, it is necessary to direct the first respondent to change the investigation officer.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that after registration of the cases, since the offences are in respect to the money transaction, the Investigation Officer asks the petitioners to produce some relevant documents. Inspite of so many request made by the Investigation Officer, the petitioners have not appeared before the second respondent and therefore, investigation is still pending and no progress is made.

4.Upon considering the arguments advanced by either side, in general, whenever any information in relation to commission of cognizable or non-cognizable offence is received, the police officer shall adhere to the procedure contemplated under Sections 154 & 155 of the Criminal Procedure Code and after conducting necessary enquiry/investigation, file final report under Section 173 of Cr.P.C. Such investigation under Chapter XII of the Criminal Procedure Code shall be completed without any unnecessary delay. The delay in filing a final report in the present cases, is inordinate and unjustified.

5.In fact, it is the duty of the Investigation Officer to issue summons to the witnesses for appearance and for production of the documents. But in these cases, the submission made by the



learned Additional Public Prosecutor does not disclose the fact that the Investigation Officer investigating the matter in accordance with law. Hence, it would appropriate to direct the Assistant Commissioner of Police, Thiruparankundram, Madurai District, to monitor the cases and to instruct the Investigation Officer to complete the investigation within a specified period.

6.With the above directions, these Criminal Original Petitions are disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The Assistant Commissioner of Police,
Thiruparankundram, Madurai District.

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6253 and 6254 of 2020
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KM (27.07.2020) 3P 5C

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