



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 10.09.2020**

**CORAM:**

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

**Crl.O.P.[MD]No.8750 of 2020**

R.Arockiarajan

... Petitioner

Vs.

1.The Director General of Police,  
No.1, Radhakrishnan Salai,  
Mylapore, Chennai.

2.The Commissioner of Police,  
Madurai City,  
Alagar Kovil Road, Madurai.

3.The Inspector of Police,  
Tallakulam Police Station,  
Madurai.

4.The Inspector of Police,  
CBCID, Madurai City.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the investigation in crime No.2152 of 2019 on the file of the third respondent to the fourth respondent to complete the investigation.

For Petitioner : Mr.A.S.Rajeshwari

For Respondents : Mr.S.Chandrasekar  
Additional Public Prosecutor

**O R D E R**

The Criminal Original Petition has been filed seeking a direction to direct the second respondent to withdraw the investigation in crime No.2152 of 2019 on the file of the third respondent and to entrust the same to the file of the fourth respondent for proper investigation.

2.The learned counsel for the petitioner would submit that the petitioner / de facto complainant in the petition mentioned Crime No.2152 of 2019 is running a Pawn Broker Shop in the name and style of M.R.P.Jewellers in the petition mentioned address. During the time of business transaction, the accused Rakesh and one Gurupriya who are arrayed as accused Nos.1 and 2 cheated the de facto complainant to the tune of Rs.8,20,000/- and thereafter switched off their mobile phone. Though the case has been



registered immediately after occurrence, the prime accused have not been arrested by the third respondent police. Therefore, change of investigation is necessary.

2.The learned Additional Public prosecutor appearing for the respondents, on instructions, would submit the de facto complainant and the prime accused Rakesh and Gurupriya are family friend and they are having business transactions by way of helping to the poor and downtrodden people by redeeming the jewels which were pledged in various banks and others. Only at the time of alleged occurrence they committed the petition mentioned offence and absconded from the place in which they were resided. As of now, the second accused namely Gurupriya filed an anticipatory bail application and the same was pending. In otherwise, the third respondent police is taking effective steps for securing those accused and for recovering the cheated amount. He would further submit that the above mentioned accused are committed three similar offences for which another three cases were registered against them.

3.Upon considering the arguments made by either side, it would be relevant to see the nature of the offence committed by the accused. In the alleged occurrence, the accused herein cheated the defacto complainant to the tune of several lakhs. Though the other accused involved in this alleged occurrence had arrested, no amount has been recovered from the said accused. So only after securing the prime accused, it may possible to the third respondent for recovering the cheated amount and for completing the investigation. The explanation for not securing the prime accused may be a reasonable one, it cannot be said that the efforts taken by the third respondent is sufficient to complete the investigation. In the said circumstances, the only direction which is necessary, is to direct the Deputy Commissioner of Police (Crime), Madurai City, to monitor the investigation.

4.In view of the above, this Criminal Original Petition is disposed of with a direction to the Deputy Commissioner of Police (Crime), Madurai City, to monitor the investigation in Crime No.2152 of 2019 on the file of the third respondent.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



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 Director General of Police,  
No.1, Radhakrishnan Salai,  
Mylapore, Chennai.
- 2.The Commissioner of Police,  
Madurai City,  
Alagar Kovil Road,  
Madurai.
- 3.The Inspector of Police,  
Tallakulam Police Station,  
Madurai.
- 4.The Inspector of Police,  
CBCID, Madurai City.
- 5.The Deputy Commissioner of Police(Crime),  
Madurai City, Madurai.
- 6.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.A.S. RAJESWARI, Advocate ( SR-16742[F] dated 14/09/2020 )

Crl.O.P.[MD]No.8750 of 2020  
10.09.2020

SJ(CO)  
KM (23.09.2020) 3P 8C