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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.06.2020
CORAM:
**THE HONOURABLE** DR.JUSTICE **G.JAYACHANDRAN**
**Crl.O.P.(MD)No.16996 of 2016**

C.Petchi ...Petitioner

vs.

1.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.

2.The Superintendent of Police,
Office of the Superintendent of Police,
Madurai.

3.The Deputy Superintendent of Police,
Office of the Superintendent of Police,
Samayanallur, Madurai District.

4.The Inspector of Police,
Nagamalai Police Station,
Madurai District.

5.The Superintendent of Police,
C.B.C.I.D.,
Admiralty House, Chennai. ...Respondents

**PRAYER:** Criminal original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to transfer the investigation in Crime No.19 of 2015, pending on the file of the 4th respondent to the 5th respondent.

For Petitioners : Mr.R.Ganeshprabu

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

**ORDER**

The petitioner herein has given a complaint to the respondent police alleging that a total sum of Rs.15,000/- was illegally withdrawn from her bank account maintained at State Bank of India, Madurai Kamarajar University branch, on 24.12.2014 and 25.12.2014 in the following manner:

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| S.No | Date | ATM Centre | Bank Name and Place | Withdrawal amount |
|---|---|---|---|---|
| 1 | 24.12.2014 | ATM 43580 | Indian Bank, SVN College, Madurai | Rs.20,000/- |
| 2 | 24.12.2014 | ATM 435801 | GST Road, Thirunagar, Madurai | Rs.10,000/- |
| 3 | 25.12.2014 | ATM 43591 | Vakkil New Street, Madurai | Rs.20,000/- |

Inspite of her complaint, there is no proper investigation and hence, sought for transfer of investigation to CBCID.

2.It is a specific case of the petitioner that on 24.12.2015, she withdrew Rs.2,000/- from SBI ATM Centre situated near Madurai Kamarajar University using her ATM card. Thereafter, she did not withdraw any money. But when she went to the bank on 08.01.2015 to update the enters in her passbook, she found that Rs.15,000/- has been illegally withdrawn from ATM. When a complaint given to the fourth respondent, he promised that he will detect the crime. But he could not succeed, the respondent police not showing adequate interest to proceed further in the investigation to find out the culprit. Thereafter, she gave representation on 09.01.2016 to the Director General of Police and has filed the present petition invoking Section 482 of Cr.P.C., for a direction to transfer the investigation to CBCID.

3.The Inspector of Police attached Nagamalai Police Station has filed a status report about the case, wherein, he has specifically stated that the alleged theft of money through ATM card happened on 24.12.2014 and 25.12.2014. However, the complaint was given only on 08.01.2015. Therefore, they were not able to retrive the CCTV footage of the concerned ATM centres, due to lapse of time in reporting. Further, from the investigation, they have found that the petitioner, who lost her ATM card on 24.12.2014, has noticed the same only after nearly 15 days.

4.On considering the averment made in the petition and the status report filed by the fourth respondent, this Court finds that the change of investigation is of no avail in the facts and circumstances. Hence, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (crl.side)

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Sub Assistant Registrar(CS)

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

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