



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	20.11.2020
Date of Order	23.12.2020

CORAM

THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI****Cr1.OP(MD)No.16253 of 2017**

Dr.Chandrasekaran

: Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai-625 001.

2.The Inspector of Police,
C-5, Karimedu Police Station,
Madurai-625 016.

: Respondents

Prayer: Criminal Original Petition filed under section 482 of the Criminal Procedure Code, directing the 1st respondent to transfer the investigation to any other jurisdictional competent investigating agency and to file a final report within the stipulated time, in Crime No.287 of 2015, dated 07.03.2015, which is based on the complaint given on 09.02.2015 on the file of the 2nd respondent followed by this Hon'ble High Court direction in Cr1.OP(MD)No.2476 of 2015, dated 17.02.2015.

For Petitioner	:	Mr.C.Masilamani
For Respondents	:	Mr.K.Karmegam Government Advocate (Criminal side)

O R D E R**(Thro' VC)**

This Criminal Original Petition is filed seeking for a direction to the 1st respondent to transfer the investigation in respect of Crime No.287 of 2015 to any other jurisdictional competent investigating agency and to file final report within the stipulated time as per the order of this Court made in Cr1.OP(MD) No.2476 of 2015, dated 17.02.2015.

2.The case of the prosecution is that the accused cheated the petitioner to the tune of Rs.6,00,000/- by way of collecting chit find and absconded without paying the matured amount.

3.Heard the learned counsel appearing on either side and perused the materials available on record.

4.The petitioner/de-facto complainant filed this petition to transfer the investigation to any other jurisdictional competent investigating agency. In this case, the 1st respondent registered the case in Crime No.287 of 2015 as per the direction of this court made in Cr1.OP(MD)No.2476 of 2015, dated 17.02.2015.



5.The contention of the petitioner is that as there was no progress in the investigation, he filed CrI.OP(MD)No.12922 of 2015 directing the 2nd respondent to complete the investigation and file a final report, but no progress in the investigation and no final report was filed and hence, he filed this criminal original petition to transfer the investigation to any other competent investigating agency and file a final report in Crime No.287 of 2015 within the stipulated time that may be fixed by this court.

6.On the other hand, on the side of the respondents, it is submitted that on the basis of the complaint given by this petitioner, they conducted a preliminary enquiry and after registering the FIR, a detailed investigation was conducted and as per the order passed by this court in CrI.OP(MD)No.12922 of 2015, they requested the de-facto complainant to appear for enquiry and to furnish the available material records regarding the money transaction, but the de-facto complainant has not chosen to appear and produce the records as requested by the respondents police and the de-facto complainant only continuously failed to cooperate with the investigation done by the respondents police and the accused filed insolvency petition before the civil court and in the insolvency petition, this petitioner was added as one of the respondents, but the above fact was not stated by the petitioner and by suppressing the above fact, he gave the complaint as against the accused and hence, there was a delay in conducting the enquiry and the respondents police had taken severe steps and conducted serious search to secure the accused and prays that this petition may be dismissed.

7.In this case, the respondents police stated that this petitioner failed to cooperate with the investigation. But the petitioner states that he is ready to co-operate with the investigation. Under these circumstances, it is necessary to issue a direction to the petitioner to appear before the 2nd respondent police and produce the relevant records.

8.In view of that, the petitioner is directed to appear before the 2nd respondent police and produce the relevant records and on receipt of the same, the 2nd respondent police is directed to enquire the matter and thereafter, file a final report as expeditious as possible before the concerned court.

9.With the above direction this criminal original petition is disposed of.

Sd/-

Assistant Registrar (AD-II)

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To,

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Inspector of Police,
C-5, Karimedu Police Station,
Madurai-625 016.

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

Cr1.OP(MD)No.16253 of 2017
23.12.2020

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