



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.17229 OF 2021

C.Shiyamala

... Petitioner

Versus

1. The Director General of Police,
Office of the Director General of Police,
Santhome, Chennai.
2. The Assistant Commissioner of police,
Central Crime Branch, (Job Racket),
CCB-I, Greater Chennai Police,
Chennai. (Crime No.75 of 2020)
3. The Sub-Inspector of Police,
Namana Samuthiram Police Station,
Pudukottai District.
(Crime No.29/2020)
4. The Sub-Inspector of Police,
District Crime Branch,
Ariyalur Dt.
(Crime No.11 of 2020)
5. Mr.Govindaraj,
S/o.Subiramanian
6. Mrs.Gomathi,
W/o.Sankar

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to transfer the investigation in Crime No.29 of 2020 registered by the 3rd respondent herein and Crime No.11 of 2020 registered by the 4th respondent herein to the file of the second respondent herein to be investigated jointly along with Crime No.75 of 2020 registered by the 2nd respondent herein.



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For Petitioner : Mr.R.Ganesh Kumar
For Respondents : Mr.R.Vinothraja,
Govt. Advocate (Crl.side)
for R1 to R4

ORDER

(This case has been heard through video conference)

According to the petitioner, he lodged a complaint before the Assistant Commissioner of Police, Central Crime Branch, Chennai and the F.I.R. in Crime No.75 of 2020 was registered at the instance of petitioner. Thereafter, as a counter-blast, the persons involved in Crime No.75 of 2020 had lodged a complaint in Crime No.29 of 2020 before the Namana Samuthiram Police Station, Pudukottai District against the petitioner. Likewise, another complaint was lodged against the petitioner before the District Crime branch, Ariyalur District in Crime No.11 of 2020. According to the petitioner, the transaction involved in all the three cases are connected and it would be appropriate that all the cases to be investigated by the same investigation agency, so that, there is no conflict of interest, contradictory statement and any suppression.

2. The learned Government Advocate (Criminal side) appearing for respondents 1 to 4 would submit that the petitioner is the complainant in Crime No.75 of 2020 and as a counter-blast, a complaints were lodged against the petitioner by the persons, who have lost money due to the petitioner's representation that he would secure job, the complaints in Crime Nos.29 of 2020 and 11 of 2020 were registered. The petitioner, as a defensive, lodged a complaint and the cases were registered, which he cannot use it as a shield and save himself from the prosecution in Crime Nos.29 and 11 of 2020. He would further submit that when the petitioner is an accused, he cannot seek any right to change the investigation in Crime Nos. 29 and 11 of 2020.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents 1 to 4.

4. The learned Government Advocate admits that the transaction involved in Crime Nos.75 of 2020, 29 of 2020 and 11 of 2020 is a series of transaction, which are overlapping each other. In view of the same, this Court is inclined to transfer the cases in Crime No.29 of 2020 from the file of 3rd respondent and Crime No.11 of 2020 from the file of 4th respondent, both



cases to the file of 2nd respondent, and the 2nd respondent shall conduct the investigation in all the cases together to avoid contradictory finding and avoid conflict. This Court also finds that it is a job racketing and the victims are hailing from other States, the 3rd and 4th respondents are directed to forthwith transfer the entire case file to the 2nd respondent without waiting for any further orders and the 2nd respondent is directed to give a priority in investigating the case, preferably to conclude the investigation within a period of six months from the date of receipt of copy of this order.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rpp/nr

To

1. The Director General of Police,
Office of the Director General of Police,
Santhome, Chennai.
2. The Assistant Commissioner of police,
Central Crime Branch, (Job Racket),
CCB-I, Greater Chennai Police, Chennai.
3. The Sub-Inspector of Police,
Namana Samuthiram Police Station,
Pudukottai District.
4. The Sub-Inspector of Police,
District Crime Branch, Ariyalur Dt.
5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Ganesh Kumar, Advocate, S.R.No.49655

CRL.O.P.No.17229 of 2021

GPL(CO)
CS/20/10/2021