



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE ON WHICH RESERVED : 17.04.2021

DATE ON WHICH PRONOUNCED : 22.04.2021

WEB COPY

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.1237 of 2021

Palanisamy ...Petitioner

Vs.

- 1.The Superintendent of Police,
Karur District.
 - 2.The Sub Inspector of Police,
Thennilai Police Station,
Karur, Karur District.
 - 3.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.
 - 4.The State rep by its,
Inspector of Police,
District Crime Branch,
Karur District.
- ...Respondents

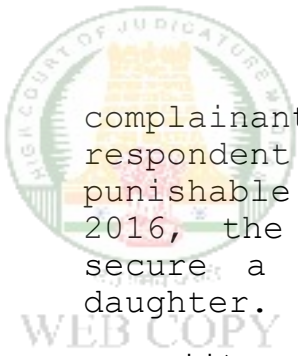
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to transfer the investigation of the case in Crime No.75 of 2017 on the file of the third respondent Velayuthampalayam Police Station to the 4th respondent DCB Police, Karur or any other Investigation Agency of Officer under the direct supervision of the 1st respondent police to conduct the fair and thorough investigation & file the final report within a time frame fixed by this Court.

For Petitioner :Mr.N.Dilip Kumar
For Respondents :Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation of the case in Crime No.75 of 2017, on the file of the third respondent Velayuthampalayam Police Station to the 4th respondent DCB Police, Karur or any other Investigation Agency of Officer under the direct supervision of the 1st respondent police to conduct the fair and thorough investigation & file the final report within a time frame fixed by this Court.

<https://hcservices.courts.gov.in/hcservices> 2. i) The case of the petitioner is that he is the defacto



complainant in Crime No.75 of 2017, on the file of the second respondent herein against four accused persons for the offences punishable under Sections 294 (b), 323, 506(i) IPC. During the year 2016, the accused persons approached the petitioner promised to secure a Government job for his relatives, friend's son and daughter.

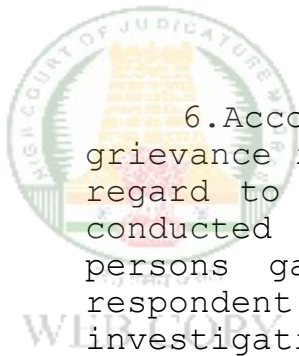
ii) During the month of August 2016, the first accused and the petitioner went to Chennai and stayed in a lodge and at that time, the first accused promised that within two months, job will be confirmed to the son, daughter of the petitioner and his friends. On that promise, Rs.10 lakhs was obtained from the petitioner through his friend, namely, Munusamy and later, Rs.10 lakhs was paid directly in the presence of the accused Nos.2 to 4. Thereafter, again they went to Chennai and at the time also, a promise was made that the job will be arranged within a short period. Even after a lapse of two months, there was no phone calls from the first accused and later, he promised to return the amount. But, that was not returned.

iii) On 13.07.2017, at about 05.00 p.m, the petitioner went to the residence of the accused persons and demanded them to return the amount of Rs.20 lakhs and at that time, the first accused abused him in filthy language and criminally intimidated him. He also pushed the petitioner down and the third and fourth accused grabbed his hands and legs and the second accused, who is the wife of the first accused, caused serious pain on his private part. He took treatment in Amaravathy Hospital for three days.

3. On 15.07.2017, the police reached the hospital. Based on statement of the petitioner, a case was registered as stated above. But, they ought to have included the offences under Sections 406 and 420 IPC. Later, he made a representation to the first respondent for transferring the investigation. He attended the enquiry on 09.11.2018 by the third respondent. Later, he came to know that the accused persons continuously involved in similar offences in various districts. The affected persons, namely, Munusamy and others filed a complaint before the fourth respondent, and a case in Crime No.7 of 2018 was registered by the second respondent on 10.11.2018, for the offences under Sections 406, 420 and 506 (i) IPC against the above said four persons.

4. The first accused was not interrogated by the police so far. Even after two years, there is no progress in the investigation. But, later, at the intervention of this Court, by the order, dated 16.12.2020 in Crl.OP(MD)No.14932 of 2020, investigation was commenced. A direction was issued to complete the investigation and file a charge sheet within two months. So, on that facts, the case in Crime No.75 of 2017 may also be transferred to the fourth respondent for investigation.

5. Heard both sides.



6. According to the learned counsel for the petitioner, the main grievance is that inspite of specific averments and allegations with regard to the cheating and misappropriation, no investigation was conducted by the third respondent herein and similarly affected persons gave the complaint, which is registered by the fourth respondent in Crime No.7 of 2018. Sofar, there is no proper investigation and so, this case may also be transferred.

7. According to the learned Public Prosecutor, both the occurrences are different in nature and the fourth respondent has conducted the investigation in proper manner in Crime No.7 of 2018 and if at all, the petitioner can also appear before the fourth respondent and give a statement. So, according to him, there is no necessity for tranferring the investigation.

8. From the perusal of records as well as from the submission made by the respective parties, I am of the considered view that the petitioner is also making similar allegation against the accused persons and appears that if the fourth respondent conduct a consolidated investigation, then the truth will come out and unnecessary problems may be avoided.

9. So, I am of the considered view that transfer of investigation in Crime No.75 of 2017 pending on the file of the third respondent to the file of the fourth respondent herein will do justice. So, in the result, this Criminal Original Petition is allowed.

10. The fourth respondent is directed to conduct the investigation in Crime No.75 of 2017 along with the case in Crime No.7 of 2018 and file a final report, as per the direction that has been issued by this Court in Crl.OP(MD)No.14932 of 2020.

Sd/-

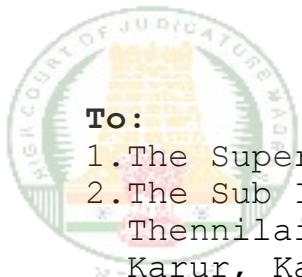
Assistant Registrar (AE)

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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 Superintendent of Police, Karur District.
 - 2.The Sub Inspector of Police,
Thennilai Police Station,
Karur, Karur District.
 - 3.The Inspector of Police, Velayuthampalayam Police Station,
Karur District.
 - 4.The State rep by its, Inspector of Police,
District Crime Branch,
Karur District.
 - 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.N.DILIPKUMAR, Advocate (SR-17408[F] dated
26/04/2021)

**Crl.O.P. (MD)No.1237 of 2021
22.4.2021**

RP(24.05.2021) P 7C