



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No.18127 of 2021

Dr. V.O.S.Sivasubramanian

... Petitioner

vs.

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

2.The Inspector of Police,
Central Crime Branch,
Madurai City.

3.The Inspector of Police,
CBCID,
Madurai.

4.The Inspector of Police,
Nagamalai Pudukkottai,
Madurai District.
(R4 suo motu impleaded as per
order of this Court dated
19.11.2021)

... Respondents

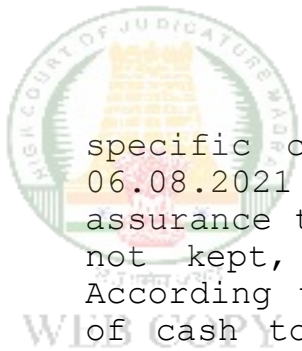
PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to direct transfer of investigation on the complaint of the petitioner dated 06.08.2021 from the file of the second respondent, to the file of the third respondent or any other investigating agency.

For Petitioner : Mr.G.Mohankumar
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2. The petitioner is a doctor by profession. He is posted in Chinnalapatti, Dindigul. The petitioner wanted to secure a post-graduation seat in medicine for his daughter Priyadarshini. His



specific case is that the persons named in his complaint dated 06.08.2021 had taken a sum of Rs.1,60,00,000/- by holding out the assurance that the medical seat will be secured. But the promise was not kept, though, the petitioner had given the entire amount. According to the petitioner, he had given the entire amount by way of cash to one Balaji. The petitioner had been pleading with the said Balaji over the years for return of the amount. According to the petitioner, so far a sum of Rs.1,24,00,000/- has been returned but the balance amount of Rs.36,00,000/- is still being withheld by said Balaji. The said Balaji had taken a stand that he had passed on the said amount to some other person.

3.Since in my view, the averments set out in the petitioner's complaint *prima facie* disclose commission of cognizable offences under Section 420 IPC but the second respondent without even registering FIR or conducting any proper investigation, has chosen to prepare a closure report. Anticipating such move on the part of the second respondent this Criminal Original Petition came to be filed.

4.The petitioner's counsel informed the Court that the said Balaji has given a complaint against him before Nagamalai Pudukkottai Police Station, if the said complaint is perused, that would corroborate the allegations now made in the petitioner's complaint. I *suo motu* impleaded the Inspector of police, Nagamalai Pudukkottai police station, Madurai District and asked for production of copy of the complaint said to have been given by Balaji named in the petitioner's complaint. Following the direction given by this Court copy of the said complaint was submitted and it can be seen from that Balaji has virtually admitted the transaction in question. The petitioner has also enclosed in the typed set of papers the whatsapp message exchanged between him and Balaji.

5.I fail to understand as to how the second respondent could have closed the matter as civil in nature. The second respondent is directed to register an FIR based on the petitioner's complaint. Investigation will be taken up by the Assistant Commissioner of Police, Central Crime Branch, Madurai District. The Court requests the first respondent to monitor the investigation. This Criminal Original Petition is allowed on these terms.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS IV)



Note 1: 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 Commissioner of Police,
Madurai City, Madurai.
2. The Inspector of Police,
Central Crime Branch,
Madurai City.
3. The Inspector of Police,
CBCID, Madurai.
4. The Inspector of Police,
Nagamalai Pudukkottai,
Madurai District.
5. The Assistant Commissioner of Police,
Central Crime Branch, Madurai.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

1CC TO MR.G.MOHAN KUMAR, ADVOCATE SR: 36400

MGJ

01/12/2021

3P/8C

Crl.O.P. (MD) No.18127 of 2021

26.11.2021