



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.1604 of 2022
and
Crl.M.P. (MD)No.1150 of 2022

S.Bharathi ... Petitioner
Vs.

1.The Inspector of Police,
Theppakulam Police Station,
Madurai.
(Crime No.572 of 2021)

2.The Deputy Superintendent of Police,
Economic Offence Wing Unit-II,
No.39, Vishwanathapuram Main Road,
Madurai - 625 014.

3.The Inspector of Police,
Economic Offence Wing Unit-II,
No.39, Vishwanathapuram Main Road,
Madurai - 625 014.

4.R.Thirunavukarasu

5.R.Prasana

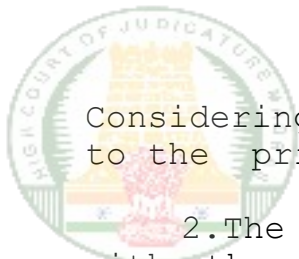
6.R.Jayaraman ... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to transfer the case records pertaining to Crime No.572 of 2021 from the file of the 1st respondent to the file of the 3rd respondent to register and investigate the offence under Section 5 of the Tamil Nadu Protection of Interest of Depositors Act, 1997, against the accused persons and complete the investigation within the stipulated time as fixed by this Court.

For Petitioner : Mr.K.Muthumalai
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side) for R1 to R3.

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents 1 to 3.
<https://hcservices.ecourts.gov.in/hcservices/>



Considering the nature of relief to be granted, issuance of notice to the private respondents is dispensed with.

2.The petitioner is a victim. She has deposited a huge sum with the fourth respondent herein. The fourth respondent had committed default. Therefore, she filed Cr.M.P.No.1037 of 2021 before the Judicial Magistrate No.I, (FAC) Madurai, for registering an FIR. The jurisdictional Magistrate has clearly mentioned that the petitioner's complaint discloses commission of offence under Section 5 of the Tamil Nadu Protection of Interest of Depositors Act, 1997 and other cognizable offences under IPC. But the first respondent has registered Crime No.572 of 2021 only for the IPC offences. Hence, this criminal original petition has been filed.

3.When the matter was taken up for hearing, the learned Government Advocate (Crl. Side) submitted that Law and Order police station can only register an FIR for IPC offences. That being so, the case is transferred from the file of the first respondent to the file of the third respondent. The third respondent will file an alteration report before the concerned Court for including the offence under Section 5 of the Tamil Nadu Protection of Interest of Depositors Act, 1997. Thereafter, the third respondent will conduct the investigation and file the final report as expeditiously as possible.

4.This criminal original petition is allowed on these terms. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

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 Inspector of Police,
Theppakulam Police Station,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Deputy Superintendent of Police,
Economic Offence Wing Unit-II,
No.39, Vishwanathapuram Main Road,
Madurai - 625 014.

3.The Inspector of Police,
Economic Offence Wing Unit-II,
No.39, Vishwanathapuram Main Road,
Madurai - 625 014.

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

CrI.O.P (MD) No.1604 of 2022
28.01.2022

RD(16.02.2022) 3P 5C