



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.4971 of 2022

Manikandan ... Petitioner/Defacto Complainant

Vs.

1. The State represented by
The Inspector General of Police,
South Zone,
Madurai.
2. The Inspector of Police,
City Crime Branch,
Madurai.
(Crime No.38 of 2021) ... Respondents 1, 2/Complainants
3. The Inspector of Police,
CBCID,
Madurai District. ... 3rd Respondent

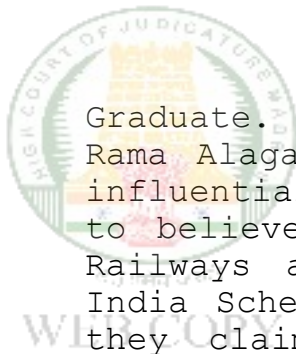
Prayer: Criminal Original Petition is filed under Section 482 Cr.P.C., to direct the first respondent to transfer the investigation in Crime No.38 of 2021 dated 01.12.2021 on the file of the second respondent to the third respondent or some other investigation agency.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the first respondent to transfer the investigation in Crime No.38 of 2021 dated 01.12.2021 on the file of the second respondent to the third respondent or some other investigation agency.

2. The case of the prosecution is that the petitioner belongs to Crime No. 1 of 2018 Virudhunagar District and he is a Commerce



Graduate. In the year 2017, he was introduced to the Accused No.1 / Rama Alagar. The Accused No.1 claimed that he had access to the influential leaders in one political party and made the petitioner to believe that he would get him employment either in a Bank or Railways as that the Government proposed directly under Digital India Scheme. The Accused No.2 is the father of Accused No.1 and they claimed to belong to a respectful family in Kumbakonam. Believing the words of the Accused persons, the petitioner paid a sum of Rs.5,00,000/- (Rupees Five Lakhs only) as advance against the demand of Rs.10,00,000/- (Rupees Ten Lakhs only). The accused further made the friends and relatives of the petitioner to believe and they all paid the demanded sum to the tune of Rs.20,00,000/- (Rupees Twenty Lakhs only) on 03.03.2017. Thereafter, in the presence of the Accused No.2, the petitioner and others paid a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) at Viralimalalai. However, the accused could not get any job. Accused Nos.1 and 2 stated that there was a case against them and that it was due to such case, the employment was delayed and collected a further sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs). A total of Rs.90,00,000/- (Rupees Ninety Lakhs only) was collected and as such, they lodged a complaint before the Anna Nagar Police Station, Madurai and the same was registered in Crime No.68 of 2021.

3. The learned Government Advocate (Criminal Side) submitted that on the complaint lodged by the petitioner, they conducted investigation and found that there is no proof that the petitioner and his family members paid a sum of Rs.90,00,000/- (Rupees Ninety Lakhs only) to the accused persons.

4. In view of the above, the transfer of investigation does not serve any purpose, since the second respondent already started investigation. Therefore, this Criminal Original Petition is dismissed. The second respondent is directed to complete the investigation and file the final report within a period of twelve weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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.

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



To

1. The Inspector General of Police,
South Zone,
Madurai.
2. The Inspector of Police,
City Crime Branch,
Madurai.
3. The Inspector of Police,
CBCID,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.4971 of 2022
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MGJ(26.04.2022) 3P 5C