



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 19.05.2022

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

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Crl.O.P.(MD)No.9308 of 2022

R.Athimoolam

... Petitioner

Vs

1.The Superintendent of Police,
Madurai Rural,
Surveyor Colony,
Madurai.

2.The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.

3.The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.

4.A.P.Ramamoorthy Raj

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent to entrust the investigation to be conducted by some other agency on the petitioner's complaint dated 08.04.2022 pending on the file of the 3rd respondent within the time frame that may be stipulated by this Court.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.B.Nambi Selvan,
Addl. Public Prosecutor for R1 to R3.

O R D E R

This Criminal Original Petition has been filed to direct the first respondent to entrust the investigation to be conducted by some other agency on the petitioner's complaint dated 08.04.2022 pending on the file of the 3rd respondent within the time frame that may be stipulated by this Court.

2.When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, enquiry was conducted by the third respondent and it was found that no records were placed and hence, the petitioner's complaint was closed and it is a case of job racketing. However, the



learned counsel for the petitioner submitted that the third respondent has no jurisdiction to conduct enquiry and he has to forward the complaint to the first respondent only because the amount involved in this case is more than one crore. Hence, it is devoid of merits.

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3.The learned counsel for the petitioner submitted that the petitioner gave a sum of Rs.1,20,00,000/- to the fourth respondent to secure a government job for the his son. However, the fourth respondent did not secure any government job for the his son and he totally refunded around a sum of Rs.70,00,000/- to the petitioner through various mode and a sum of Rs.50,00,000/- is to be refunded to the petitioner by the fourth respondent. Since the fourth respondent did not heed to the petitioner's request, the petitioner lodged a complaint before the third respondent and since there is no progress in the said complaint, the petitioner has filed this Criminal Original Petition for transfer of investigation.

4.It is seen that it is a case of job racketing and the amount involved in this case very huge. Since, the amount involved in this case is a huge amount, the third respondent has no jurisdiction to conduct enquiry. Therefore, the investigation is transferred from the file of the third respondent to the file of the Inspector of Police, District Crime Branch, Virudhunagar District.

5.Since the complaint given by the petitioner was enquired into and closed, the petitioner is directed to give a fresh complaint along with all necessary documents within a period of one week from the date of receipt of a copy of this order to the Inspector of Police, District Crime Branch, Virudhunagar District. On receiving such complaint, the new investigation office is directed to complete the investigation within a period of eight weeks thereafter. Both the petitioner as well as the fourth respondent are directed to co-operate for the investigation.

6.With the above directions, this Criminal Original Petition is disposed of.

Sd/-

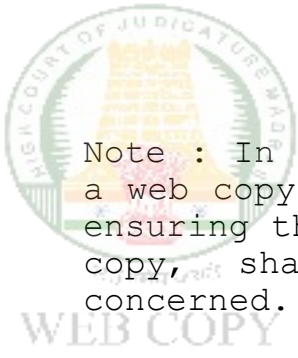
Assistant Registrar (CS III)

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/ /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.

To:-

- 1.The Superintendent of Police,
Madurai Rural,
Surveyor Colony,
Madurai.
- 2.The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.
- 3.The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

The Inspector of Police,
District Crime Branch,
Virudhunagar District.

+1 C.C. to M/S.R.MURUGAN, ADVOCATE, S.R.NO.23787(F), DATED :
19.05.2022.

Crl.O.P.(MD)No.9308 of 2022
19.05.2022

SS/31.05.2022 : 3P/7C