

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2022

CORAM

THE HON'BLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

CRL.O.P(MD)No.11350 of 2022

Nagarajan

...Petitioner

vs

1.The Director General of Police,
P.O.Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

2.The Director,
Tamil Nadu Fire and Rescue Service,
No.17, Rukmani Laxipathy Road,
Egmore, Chennai- 600 008.

3.The Superintendent of Police,
Kanyakumari District, Kanyakumari.

4.The Inspector of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.
(Cr.No.53/2021)

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer of investigation of the case in Crime No.53 of 2021 on the file of the fourth respondent Police Station to the Central Bureau of Investigation (CBI) or some other agency or equal standing to investigate the said crime.

For Petitioner	:Mr.V.Kannan
For Respondents	:Mr.T.Senthil Kumar
	Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to transfer the investigation of the case in Crime No.53 of 2021 on the file of the fourth Respondent Police to the Central Bureau of Investigation (CBI) or some other agency to investigate the said crime.

2.Heard Mr.V.Kannan, learned Counsel for the Petitioner and Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the Respondents.

3.The learned Counsel for the Petitioner submitted that the Petitioner is serving as Assistant District Fire Officer, Nilgiris. It is submitted by the learned Counsel for the Petitioner that for the buildings height above 18.30 meter, the Director of Fire and Rescue Services, had to issue safety licence. At the relevant point of time, the present Director General of Police of Tamil Nadu was the Director of Fire and Rescue Services and his signatures were forged and fictitious licences were issued in Kanyakumari District.

4.In the course of investigation by the District Fire Officer and his team at Kanyakumari District, it was found out that the signature of the Director of Fire and Rescue Services was forged. Therefore, the then District Fire Officer, had lodged a complaint with the Superintendent of Police, Kanyakumari. Based on the said complaint, a case in Cr.No.53 of 2021 was registered on the file of the District Crime Branch. It is the submission of the learned Counsel for the Petitioner that the investigation had not been conducted properly. Therefore, he seeks transfer of investigation from the file of the District Crime Branch to any other agency.

5.The learned Additional Public Prosecutor vehemently objected to the line of arguments of the learned Counsel for the Petitioner stating that the Petitioner is neither the complainant nor a witness. He cannot make sweeping allegations against his own Department. Further, he would submit that the investigation had been conducted properly, 69 witnesses had been examined and documents were also recovered. He has filed a status report by the Investigation Officer. The relevant paragraphs of which read as follows:

"8) I submit that, on 07.05.2022, I have enquired Tr.Gogulprathreep, Manager, SBI, Shankarancoil Branch and recorded his statement, wherein he has stated about the Bank Statement of 1st accused Sundararajan's wife Sheela and from 01.01.2018 to 5

26.12.2021, a sum of Rs.67,35,952/- was transferred in her account No. 20228399472 of SBI, Shankarancoil Branch. Hence, that on 07.05.2022, she was added as 4th accused in the present case. The details of the money transactions of accused Nos.1 to 4 and their family members are as follows:

Name	A/C No.	Name of Bank	Period	Amount
A1 Sundarar ajan	38825202817	SBI, Ashokna gar	30.10.19 to 24.12.21	Rs.49,83,627/-
	419387528	Indian Bank Guindy	01.01.16 to 31.12.21	Rs.40,74,375/-
A2.Ancy	25500100166673 5	C U Bank, Adampak kam	05.01.16 to 27.12.21	Rs.1,74,93,173/-
	50070722004096 8 (F.D)	C U Bank Adampak kam	22.08.21	Rs,50,000/-
	50070711010307 9 (Fixed Deposit)	CU Bank Adampak kam	24.07.21	Rs.1,50,000/-
	20028140380	SBI, Thingaln agar	01.01.18 to 26.12.21	Rs.31,89,087/-
	6412662812	Kodak Bank, Vellache ri	19.04.18 to 12.01.22	Rs.34,48,807/-
	6445061682 R.D.	Kodak Bank, Vellache ri	03.01.21	Rs.24,000/-
	6446010610 R.D.	Kodak Bank, Vellache ri	13.04.21	Rs.9,161/-

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	6446021432 F.D.	Kodak Bank, Vellache ri	05.05.21	Rs.1,00,000/-
	6446102605 F.D.	Kodak Bank, Vellache ri	28.09.21	Rs.75,000/-
	6446135436 F.D.	Kodak Bank, Vellache ri	03.12.21	Rs.25,000/-
	6445973633 F.D.	Kodak Bank, Vellache ri	19.12.21	Rs.1,00,000/-
A3. Anish Prabhu	31030949780	SBI, Thingaln agar	01.01.15 to 26.12.21	Rs.5,82,986/-
	11681550000643 80	KVB	15.06.13 to 31.12.21	Rs.1,000/-
A4.Sheela	20228399472	SBI, Shankara nkovil	01.01.18 to 26.12.21	Rs.67,35,952/-
A2's Son Lithesh	50010101175766 4	C U Bank, Adampak kam	01.02.18 to 11.01.22	Rs.10,71,437/-
	50080722000736 4	C U Bank, Adampak kam	01.01.21 to 16.01.22	Rs.36,000/-
A2 & A3's Mother Amala Pushpam	36250100000037 1	IOB, Kallukott am	01.01.16 to 27.12.21	Rs.50,46,935/-

	11221698489	SBI, Thingaln agar	02.09.20 to 10.01.22	Rs.38,516/-
A4's Son Aravind	75701000028697	IOB	07.06.16 to 26.12.21	Rs.96,248/-

The said accounts are frozen based on my requisition and the same was informed U/Sec.102 of Cr.P.C. to the Learned Judicial Magistrate Court No.1, Nagercoil.

9) I submit that, since my investigation revealed that the accused and their family members were purchased jewels more than Rs.27,06,806/- between the year 2017 to 2021, for which I enquired Tr.Kesavadhas, GRT, Chennai and Tr.Velmurugan, GRT, Tirunelveli, Tr.Vijay Anand, Tanishq, Chennai, Tr.Nainar, Pothys Sorna Mahal, Chennai and recorded their statements U/s 161(3) Cr.P.C. and the details are as follows:

S.No.	Date	Name	Name of Jewellery	Amount
1.	31.12.17	Sundararajan	GRT Chennai	Rs.3,550/-
2.	31.12.17	Sundararajan	GRT Chennai	Rs.15,700/-
3.	14.08.19	Sundararajan	GRT Chennai	Rs.1,60,160/-
4.	23.06.20	Sundararajan	GRT Chennai	Rs.600/-
5.	29.06.20	Sundararajan	GRT Chennai	Rs.3,26,631/-
6.	19.11.21	Sundararajan	GRT Chennai	Rs.40,290/-
7.	19.11.21	Sundararajan	GRT Chennai	Rs.5,348/-
8.	26.04.21	Sundararajan	Tanishq, Velachery	Rs.52,496/-
9.	27.04.21	Sundararajan	Tanishq, Velachery	Rs.55,848/-
10.	01.07.21	Sundararajan	Pothys Sorna Mahal	Rs.76,086/-
11.	17.07.21	Sundararajan	Pothys Sorna Mahal	Rs.82,867/-
12.	31.12.17	Ancy	GRT Chennai	Rs.2,00,928/-
13.	04.03.18	Ancy	GRT Chennai	Rs.25,350/-
14.	14.01.19	Ancy	GRT Chennai	Rs.59,100/-
15.	31.08.19	Ancy	GRT Chennai	Rs.1,33,500/-

16.	26.04.21	Ancy	Tanishq, Velachery	Rs.1,74,597/-
17.	23.07.18	Sheela	GRT Tirunelveli	Rs.91,290/-
18.	26.03.19	Sheela	GRT Tirunelveli	Rs.1,39,270/-
19.	01.12.21	Sheela	GRT Tirunelveli	Rs.5,95,917/-
20.	23.07.18	Aravind	GRT Tirunelveli	Rs.1,05,000/-
21.	10.08.19	Aravind	GRT Tirunelveli	Rs.650/-
22.	10.08.19	Aravind	GRT Tirunelveli	Rs.1,13,700/-
23.	10.08.19	Aravind	GRT Tirunelveli	Rs.1,25,250/-
24.	28.07.21	Aravind	GRT Tirunelveli	Rs.1,22,428/-

6.Considering the status report filed by the Additional Public Prosecutor, this Petition is closed with the direction to the Investigation Officer to lay final report within a period of three months from the date of receipt of a copy of this order.

Index:Yes/No

06.09.2022

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To

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