



Crl.O.P.(MD) No.11744 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.08.2022

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THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.11744 of 2022

M.Sanjay Mahadev Patil

... Petitioner

Vs

1. The Superintendent of Police,
Thanjavur District,
Thanjavur.

2. The Assistant Superintendent of Police,
Pattukottai,
Thanjavur District.

3. The Inspector of Police,
G-1, Town Police Station,
Pattukottai,
Thanjavur District.

4. The Superintendent of Police,
C.B.C.I.D.,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue direction, directing the Respondents 1 to 3 to withdraw the case in Crime No.374 of 2022, pending on the file of the third respondent



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police and to transfer the same to the 4th respondent or to some other Agency, for further proper investigation of the case and to file final report before the appropriate court.

For Petitioner : Mr.K.Jagannathan

For Respondents : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to direct the Respondents 1 to 3 to withdraw the case in Crime No.374 of 2022, pending on the file of the third respondent police and to transfer the same to the 4th respondent or to some other Agency, for further proper investigation of the case and to file final report before the appropriate court.

2. The learned Counsel appearing for the petitioner submitted that already two cases have been registered pertaining to a transaction in Crime No.193 of 2017, for the offences under Sections 403, 406, 420 r/w 120B I.P.C., and in Crime No.201 of 2017, for the offences under Sections 403, 406, 420, r/w 120 B I.P.C., which have been transferred to C.B.C.I.D, Thanjavur, as per the order of this Court in Crl.O.P(MD) Nos.3820 and



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3821 of 2019, dated 13.03.2019. In these circumstances, a case in Crime No.374 of 2022 also has to be transferred to the 4th respondent C.B.C.I.D, Thanjavur, since both cases are interconnected with the transaction between the same parties.

3. The learned Government Advocate (Criminal Side), appearing for the respondents submitted that status reported filed by the respondents stated that initially, a case has been registered against this petitioner in Crime No.193 of 2017, for the offences under Sections 403, 406, 420 r/w 120 B I.P.C., by one Mr.Ramakrishnan, that the petitioner herein have cheated him with jewels weighing about 1850 Grams worth about Rs. 49,00,000/- (Rupees Forty Nine Lakh only) and another case has been registered in Crime No.201 of 2017, for the offences under Sections 403, 406, 420, r/w.120B I.P.C., by one Mr.Sridhar for the same offence as above, i.e., the petitioner herein have cheated the defacto complainant by getting the jewels weighing 430 grams worth about Rs.11,00,000/- (Rupees Eleven Lakhs only). The petitioner filed a petition in Crl.O.P(MD) No.16391 of 2019 and Crl.M.P(MD) No.9739 of 2019, for quashing the case registered in Crime No.193 of 2017, which was dismissed by this Court on 12.11.2019



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and after that, on the direction of this Court in Crl.O.P(MD) No.17733 of 2021, the police registered a case in Crime No.374 of 2022, based on the complaint given by the petitioner.

4. I have considered the matter in the light of the submissions made by the learned counsel for both parties.

5. A perusal of the records reveals that the petitioner is a native of Maharashtra and lived at Pattukottai, Thanjavur District and started his business. It was alleged that A1 to A6 cheated the property of the petitioner by transferring it to the 5th accused viz., Marimuthu, by creating fake and forged documents. Therefore, a case has been registered in Crime No.374 of 2022, for the offences under Sections 147, 406, 427, 120B, 408, 420, 465, 468, 471, 454, 380, 381 r/w 34 I.P.C. Further, it is noted that already two cases have been registered against this petitioner in Crime No.193 of 2017, for the offences under Sections 403, 406, 420 r/w 120B I.P.C., and another Crime No.201 of 2017, for the offences under Sections 403, 406, 420, r/w 120B I.P.C., which have been transferred to C.B.C.I.D, Thanjavur, as per the order of this Court in Crl.O.P(MD) Nos.3820 and 3821 of 2019, dated



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13.03.2019. In these circumstances, this case in Crime No.374 of 2022, pending on the file of the third respondent police for further investigation also has to be transferred to the 4th respondent for peacefully conducting investigation. Therefore, the case registered in Crime No.374 of 2022, pending on the file of the third respondent police is hereby ordered to be transferred to the 4th respondent – The Superintendent of Police, C.B.C.I.D, Thanjavur, to conduct investigation along with the other two cases registered in Crime Nos.193 and 201 of 2017 and the third respondent is directed to transfer the entire file to the fourth respondent for further investigation.

6. Accordingly, this Criminal Original Petition stands allowed.

Internet:Yes./No
Index:Yes/no
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To

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3. The Inspector of Police,
G-1, Town Police Station,
Pattukottai,
Thanjavur District.
4. The Superintendent of Police,
C.B.C.I.D,
Thanjavur District,
Thanjavur.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

ebsi

ORDER IN
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