



Crl.O.P.(MD) No.16763 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2022

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THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.16763 of 2022

P.Selvam

...Petitioner

-VS-

1. The Director General of Police
No.1, Kamarajar Salai, Mylapore
Chennai 600 00.
2. The Inspector General of Police
South Zone
No.1, New Natham Road
Bibikulam, Madurai 625 002.
3. The Superintendent of Police
Madurai District
4. The Deputy Superintendent of Police
Thirumangalam Sub Division
Thirumangalam
Madurai
5. The Inspector of Police
Town Police Station
Thirumangalam
Madurai District

...Respondents



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(R2 is *suo motu* impleaded vide order of this Court, dated 09.11.2022 and the original respondents are re-arranged accordingly)

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the investigation in Crime No.462 of 2021 pending on the file of the fifth Respondent to the file of the fourth Respondent or any other competent independent agency for the proper and fair investigation and file a final report.

For Petitioner : Mr.Radhi Sathish
For Respondents : Mr. R.Sivakumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.462 of 2021 pending on the file of the fifth Respondent to the file of the fourth Respondent or any other competent independent agency for the proper and fair investigation and file a final report.

2. The learned Counsel for the Petitioner would submit that the Petitioner was working as a shop supervisor in Tasmac shop No.5278 Thirumangalam. Whiles, one Murugeswari who is the District Manager



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with collusion with her Assistant had misappropriated the collection. For which this Petitioner was prosecuted for the offence of misappropriation. He has preferred complaint regarding the omission and commission of the said Murugeswari and the staff who assisted her also in the domestic enquiry. Charges against the Petitioner was not proved. The Petitioner was dismissed. Therefore he filed Writ Petition and obtained stay. Based on the complaint preferred by the District Manager the fourth Respondent had registered a case in Crime No.462 of 2021 for the offences under Sections 465,466,468,469 and 471 of IPC. Till date investigation has not proceeded. Therefore the Petitioner has approached this Court seeking direction to transfer the investigation from the file of the fifth Respondent.

3. Considering the contents of the petition and the nature of allegations made against the District Manager, Tasmac shop and also the offence alleged to have been committed by Murugeswari the then Manager of Tasmac and her Assistant at the time of enquiry found that the Petitioner was unnecessarily implicated and found innocent and discharged.



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4. In view of the same, the Inspector General of Police, South Zone, Madurai is *suo motu* impleaded as necessary party/second Respondent considering the subject matter of the adjudication, the Respondents 2 to 4 already in this petition are ranked as Respondents 3 to 5

5. The Inspector General of Police, South Zone, Madurai is directed to withdraw the case from the file of the Inspector of Police, Town Police Station, Thirumangalam and hand over the same to an officer not below the rank of the Deputy Superintendent of Police on the assessment of the Inspector General of Police, South Zone, Madurai and complete the investigation. Also the Inspector General of Police shall nominate Deputy Inspector General of Police to supervise the investigation done by the Deputy Superintendent of Police and complete the investigation within a reasonable time.



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6. With the above direction the Criminal Original Petition is disposed of.

09.11.2022

Internet: Yes./No

Index: Yes/no

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



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SATHI KUMAR SUKUMARA KURUP, J.

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