



CRL.O.P (MD) No.17044 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.17044 of 2022

Amutha

...Petitioner

-Vs-

- 1.The Inspector General of Police (South Zone),
77, 4th Street, KK Nagar,
Race Course Colony,
Madurai.
- 2.The Deputy General of Police,
O/o., The Deputy General of Police (Madurai Range),
Madurai.
- 3.The District Superintendent of Police,
Surveyor Colony, Madurai District,
Madurai.
- 4.The Deputy Superintendent of Police,
Samayanallur, Madurai District,
Madurai.
- 5.The Inspector of Police,
Solavandhan Police Station,
Madurai District.



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6.The Inspector of Police,
Kadupatty Police Station,
Madurai District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to transfer the investigation of Crime No.93 of 2022 from the file of the sixth respondent to CBCID or any other independent investigating agency under the supervision of the third respondent and complete the investigation and file the final report on the basis of the petitioner's representation dated 16.09.2022 within a stipulated period as may be fixed by this Court.

For Petitioner : Mr.A.Dharani
For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to transfer the investigation in Crime No.93 of 2022 from the file of the sixth respondent to CBCID or any other independent Investigating agency under the supervision of the third respondent and complete the investigation and file the final report on the basis of the petitioner's representation, dated 16.09.2022 within a stipulated time.



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2.The learned Counsel for the Petitioner submits that she is the aunt of the deceased Anand, who was serving as an Assistant Manager in ESAF Bank (Small Finance Bank), Dindigul (hereinafter referred to as ESAF Bank). He had resigned from his Bank on 08.02.2019. His resignation was accepted by the management of the Bank without any objection and he was relieved from service on 26.07.2022. One Sangeeth Kumar called the deceased Anand on his mobile phone stating that he is an Advocate of ESAF Bank. Therefore, the petitioner's nephew went to meet him. So far, he did not return. Therefore, the petitioner lodged a complaint before the sixth respondent and the sixth respondent registered a case in Crime No.93 of 2022 under Man Missing Case. Subsequently, she received message as if unidentified body was found. Based on which, she went to the place, where the body was found and identified as that of the missing nephew. Accordingly, she had given the details regarding the phone call made by one Sangeeth Kumar introducing himself as Advocate of ESAF Bank and threatened her nephew and thereafter only, her nephew was missing. Since the petitioner reveals her suspicion, the same was not taken note of by the investigating officer. Hence, this petition has been filed to transfer the case.



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3.The learned Additional Public Prosecutor vehemently objected to the submission of the learned counsel for the petitioner stating that she seeks transfer of investigation from the local police to CBCID, whereas the CBCID is not included as a party respondent.

4.On the objection of the learned Additional Public Prosecutor, the learned counsel for the petitioner by way of rejoinder submits that this Court can pass appropriate order transferring the investigation from the file of the sixth respondent to any other official under the direct supervision of the Superintendent of Police, Madurai Rural.

5.In the light of the aforesaid submissions, the Superintendent of Police, Madurai Rural is directed to supervise the investigation in Crime No.93 of 2022 and withdraw the file from the sixth respondent and nominate a senior official not below the rank of Deputy Superintendent of Police to investigate the case. The petitioner's apprehension regarding the missing nephew and the continuous phone calls made by the said Sangeeth Kumar, who introduced himself as an Advocate for ESAF Bank and threatened him is found reasonable. It is the further submission of the



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learned counsel for the petitioner that the mobile phone of the deceased is still with the investigating officer. They can verify, transcript regarding the exchange of message and then calls made by Sangeeth Kumar. The petitioner is directed to co-operate with the investigating officer.

6.In view of the above, the Criminal Original Petition is disposed of. The petitioner is granted liberty to approach this Court when need arises.

27.09.2022

Internet: Yes/No

Index: Yes/No

Rmk

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- 5.The Inspector of Police,
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Madurai District.
- 6.The Inspector of Police,
Kadupatty Police Station,
Madurai District.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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