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CrI.O.P.No.2420 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.2420 of 2023

P.Kathiravan

... Petitioner

/vs/

1. The Commissioner of Police,
Avadi,
Chennai – 600 054.

2. The Inspector of Police,
Central Crime Branch -II, EDF -I,
Avadi,
Chennai.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to transfer the investigation in FIR in Crime No.02 of 2022 on the file of the 2nd respondent to some other agency.

For Petitioner

... Mr.D.Ashok Kumar

For Respondent

... Mr.S.Santhosh

Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to transfer the investigation in FIR in Crime No.02 of 2022 on the file of the 2nd respondent to some other agency.

2. The learned counsel for the petitioner submitted that the accused in this case, under the guise of getting MBBS Seat to petitioner's son at Manipal University, received a sum of Rs.63,44,000/-. However, accused neither secured MBBS Seat nor returned the money. When the petitioner demanded money, accused had not returned money. Later, petitioner realized that, he was cheated by the accused. Therefore, he lodged a complaint against the accused persons. Based on the complaint, FIR in Crime No.02 of 2022 for the offence under Sections 406, 420 and 120 B of IPC was registered. However, no effective investigation has been conducted in this case and no recovery is made from the accused persons. Therefore, present petition is filed to transfer the investigation from the respondent police to some other police agency.



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3. In response, learned Government Advocate (Crl. Side) submitted that investigation is conducted properly. First accused was arrested and the car worth Rs.40 lakhs was seized from him and remanded it as a case property in C.P.No.152 of 2022 before the learned Judicial Magistrate, Poonamallee. The respondent police is also taking effective steps to apprehend the 2nd accused.

4. In the light of the submission made by the learned Government Advocate (Crl. Side) that the first accused was arrested and a car worth Rs.40 lakhs was seized, this Court finds that there is no reason for transfer of investigation to some other police agency. Final report has to be filed within a period of three months from the date of receipt of copy of this order.

5. Accordingly, this Criminal Original petition is dismissed.

06.02.2023

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order
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G.CHANDRASEKHARAN, J.

Sma

To

1. The Commissioner of Police,
Avadi,
Chennai – 600 054.
2. The Inspector of Police,
Central Crime Branch -II, EDF -I,
Avadi,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

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06.02.2023