



WEB COPY



Crl.O.P.No.4437 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 05.04.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.4437 of 2023**

S.S.Kamaraj

...

Petitioner

VS

1.The Superintendent of Police,  
Mayiladuthurai,  
Mayiladuthurai Districtt.

2.The Deputy Superintendent of Police,  
Mayiladuthurai Sub Division,  
Mayiladuthurai District.

3.The State by  
Inspector of Police,  
Poraiyar Police Station,  
Mayiladuthurai District.  
(Crime No.289 of 2022)

... Respondents

**Prayer :** Criminal Original Petition has been filed under Section 482 of Cr.P.C, to transfer the investigation in Crime No.289 of 2022 pending on the file of the 3<sup>rd</sup> respondent to any other investigation agency by appreciating the above stated facts and circumstances .

For Petitioners  
For Respondents

... Mr.A.Thiyagarajan  
... Mr.Leonard Arul Joseph Selvam  
Government Advocate (crl.side)



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**ORDER**

This Criminal Original Petition has been filed to transfer the investigation in Crime No.289 of 2022 pending on the file of the 3<sup>rd</sup> respondent to any other investigation agency by appreciating the above stated facts and circumstances .

2. It is submitted by the learned counsel for the petitioner that, accused in this case received a sum of Rs.7,00,000/- from the *de-facto* complainant, on the promise of getting employment to his son Vigneshwaran. Thereafter, they have not secured the employment. They gave a written undertaking to return a sum of Rs.7,00,000/- on 10.06.2022. Even thereafter, the amount was not returned. When demanded, they made a death threat. Thus, on the basis of the complaint given by the petitioner, First Information Report in Crime No.289 of 2022 for the offences under Sections 294(b), 420, 506(i) of IPC was registered. Till now, no steps have been taken to arrest the accused or to recover the amount, necessitating filing of this petition.

3. Learned Government Advocate (Criminal side) filed a status



report, stating that, investigation in this case is pending. 3<sup>rd</sup> respondent had examined 4 witnesses so far. Since accused are absconding, investigation could not be completed.

4. Heard the submissions of the parties and perused the records.

5. From the submissions made by the learned counsel for the parties that, the accused in this case after received Rs.7,00,000/- from the defacto complainant, on the promise of getting employment to his son Vigneshswaran. They have also not returned the amount of Rs.7,00,000/-. Though First Information Report was registered on 21.11.2022, when it is claimed that A1 is working in a Co-operative Society, Thirukadaiyur, 3<sup>rd</sup> respondent has not taken any effective steps to investigate this case. When cognizable offence is committed, 3<sup>rd</sup> respondent has powers to arrest the accused whenever required. However, no such effective step has been taken by the 3<sup>rd</sup> respondent.

6. Therefore, this Court directs the Deputy Superintendent of Police,



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Mayiladuthurai Sub Division to investigate this case and file final report within a period of three months from the date of receipt of a copy of this Order.

7. Accordingly, this Criminal Original Petition is disposed of.

**05.04.2023**

Index: Yes/No  
Internet: Yes/No  
Speaking/Non speaking order  
gd

To

- 1.The Superintendent of Police,  
Mayiladuthurai,  
Mayiladuthurai Districtt.
- 2.The Deputy Superintendent of Police,  
Mayiladuthurai Sub Division,  
Mayiladuthurai District.
- 3.The State by  
Inspector of Police,  
Poraiyar Police Station,  
Mayiladuthurai District.
- 4.The Public Prosecutor,  
High Court, Madras.



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**G.CHANDRASEKHARAN, J.**

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