



Crl.O.P(MD).No.4598 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.4598 of 2021

and

Crl.M.P.(MD)No.2572 of 2021

Koodalingam

...Petitioner

Vs

- 1.The Director General of Police,
O/o The Director General of Police,
Dr. Radhakrishnan Salai,
Chennai.
- 2.The Inspector General of Police,
O/o. The Inspector General of Police,
South Zone,
Madurai.
- 3.The Commissioner of Police,
O/o The Commissioner of Police,
Alagar Kovil Road,
Madurai.
- 4.The Deputy Superintendent of Police CBCID,
O/o. Superintendent of Police CBCID,
Madurai District,
Madurai.
- 5.The Inspector of Police,
Thallakulam Police Station,
Madurai City,
Madurai.
(Crime No.1895 of 2020)

...Respondents



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PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to direct the respondent no.3 to transfer the investigation pertaining to the case in Crime No.1895 of 2020 dated 24.08.2020 registered under Sections 406 and 420 of Indian Penal Code on the file of the respondent No.5 and entrust the same to the respondent no.4 for an investigation of the case by a competent officer or any other investigation agency and file a final report before the Jurisdictional Magistrate.

For Petitioner	: Mr.C.Muthu Saravanan
For Respondents	: Mr.M.Sakthi Kumar
	Government Advocate (Crl. Side)

ORDER

This petition is filed to transfer the FIR in Crime No.1895 of 2020 dated 24.08.2020 on the file of the 5th respondent police to the 4th respondent police.

2.The case against the petitioner is that the petitioner is an ex-service man studying for bank and other examinations. After the completion of service, he was preparing for bank and other examinations. A1 is also an ex-serviceman. A2 is the friend of A1. A2 is running a consultancy for recruiting youngsters for Government Job. A1 promised the petitioner that he will get a Government Job as a security in Indian Army Research Center and also in Forest Department, Patna on payment of Rs.7,00,000/- (Rupees Seven Lakhs only). A1 introduced A2 and they promised to obtain a Government Job to him and his relatives. Both of them received Rs.38,00,000/- (Rupees Thirty



Eight Lakhs only) through bank transactions and by way of cash. The bank transactions are in the name of A2 and in the name of brother in law of A1.

The accused persons gave the forged appointment letters, forged appointment orders and forged identity cards to the relatives and friends of the petitioner.

3.An appointment letter from East Central Railway, Danapur Division and an identity card from Forest Department of Bihar and also an appointment letter for Group C in India POS, Delhi was given to one Arun Pandiyan. They issued identity card, appointment letter and training letter from Forest Department, Government of Jharkhand to one Gurumoorthy. They gave an appointment order from North Eastern Railway to one Alaguraj Kannan and another appointment letter from the Railway Recruitment Board, Gorakhpur. They gave letter for verification of candidate certificate from Railway Recruitment cell and also an identity card from North eastern Railway to one Kaliraj. They gave an Identity card from Forest Department, Bihar to one Mariappan and an identity card from Forest Department, Bihar to one Sivakumar Ayyakutti.

4.When the petitioner pressurised A1 and A2 to return back the money, they evaded to attend the call and later on 06.06.2020, A2 came to Madurai and he promised to pay back the amount within a period of six months.



Subsequently A2 foisted a false case against the petitioner in Crime No.394 of 2020 dated 07.06.2020 on the file of the Appanthirupathy, Madurai District under Sections 363, 342, 352 and 506(ii) of IPC.

5.The accused are habitual offenders involving in job racketing in different parts of India like Hyderabad, Maharashtra and Tamil Nadu.

6.On the side of the petitioner, it is stated that in FIR in Crime No.394 of 2020, the accused had admitted the receipt of various amount from the youngsters. He had admitted that there was some negotiations between the petitioner and the accused. The fifth respondent cannot investigate the case with regard to occurrence at Hyderabad. The fifth respondent have not initiated any enquiry. A fair investigation is possible only if the case is investigated by some other investigation agency and prayed the case is to be transferred to the file of the fourth respondent.

7.On the side of the prosecution, it is stated that since the accused belonged to Hyderabad and since the money involved is approximately Rs. 40,00,000/- (Rupees Forty Lakhs only), it would be proper if the investigation would be done by Central Crime Branch, Madurai City.



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8. In view of the above submissions, it is decided that the investigation is to be withdrawn from the file of the fifth respondent and the same should be transferred to the file of Central Crime Branch, Madurai.

9. With the above direction, this Criminal Original Petition is allowed.

Consequently, connected miscellaneous petitions is closed.

20.03.2023

NCC : Yes/No

Internet : Yes/No

Index : Yes/No

Mrn

To

1. The Director General of Police,
O/o The Director General of Police,
Dr. Radhakrishnan Salai,
Chennai.
2. The Inspector General of Police,
O/o. The Inspector General of Police,
South Zone, Madurai.
3. The Commissioner of Police,
O/o The Commissioner of Police,
Alagar Kovil Road,
Madurai.
4. The Deputy Superintendent of Police CBCID,
O/o. Superintendent of Police CBCID,
Madurai District.
5. The Inspector of Police,
Thallakulam Police Station,
Madurai City.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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R. THARANI,J.

Mrn

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