



CrI.O.P.(MD)No.5017 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

CrI.O.P.(MD)No. 5017 of 2023

Vijayalakshmi

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District, Trichy.

2.The Deputy Superintendent of Police,
CB-CID,
Trichy, Trichy District.

3.The Inspector of Police,
District Crime Branch,
Trichy,
Trichirappalli District.

4.The Inspector of Police,
Economic Offences Wing,
Trichy,
Trichirappalli District.

5.The Inspector of Police,
Manapparai Police Station,
Trichy District
(FIR NO.440/2022)

6.P.Giritharan

... Respondents



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PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to pass direction to withdraw the investigation of FIR No.440/2022, dated 23.12.2022 from the 5th Respondent, Inspector of Police, Manapparai Police Station, Trichy District and transfer the same to the 2nd Respondent.

For Petitioner	: Mr.Murugappan.R
For R1 to R5	: Mr.Nambiselvan, Additional Public Prosecutor

ORDER

This petition is filed seeking direction to withdraw the investigation of FIR No.440/2022, dated 23.12.2022 from the 5th Respondent, Inspector of Police, Manapparai Police Station, Trichy District and transfer the same to the 2nd Respondent.

2. The petitioner has filed CrI.O.P(MD).No.19342 of 2022 to transfer the petitioner's complaint dated 13.10.2022 on the file of the first respondent to the second respondent to investigate and take necessary action. This Court by an order dated 17.11.2022, directed the first respondent to direct the second or third respondent to register an FIR and transfer it to the appropriate wing to proceed further.



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3. The learned counsel for the petitioner submitted that till now, the fifth respondent neither enquired the petitioner nor recorded the statement of witness under Section 161 of Cr.P.C and filed the charge sheet before the concerned Court. He further submitted that the first respondent had not taken any steps to transfer the investigation of this case from the fifth respondent to the second respondent, who is the competent Police Wing to enquire online fraud cases similar to this case offences.

4. The learned Additional Public Prosecutor appearing for the respondent police submitted that as per the direction of this Court in CrI.O.P(MD).No.19342 of 2022, FIR has been registered in Crime No. 440 of 2023 on 23.12.2022 and the investigation is going on in a proper manner.

5. Heard both sides and perused the materials available on record.

6. A perusal of records shows that, the fifth respondent is not a competent authority to investigate the matter.



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7. Now the grievance of the petitioner is that the fifth respondent is not a Competent Authority to investigate the matter, only Cyber Wing attached to the first respondent herein is the Competent Authority to investigate the matter.

8. Considering the nature of the crime, the investigation pending on the file of the fifth respondent is withdrawn and the same is transferred to the Cyber Wing attached to the first respondent office. The fifth respondent is directed to transfer the entire case files to the Cyber Wing. After receiving the files from the fourth respondent, the Cyber Wing attached to the first respondent is hereby directed to complete the investigation within a period of five months from the date of receiving the files from the fifth respondent herein. With the above directions, this Criminal Original Petition is allowed.

17.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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Trichy, Trichy District.
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- 4.The Inspector of Police,
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Trichy,
Trichirappalli District.
- 5.The Inspector of Police,
Manapparai Police Station,
Trichy District
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J

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Order made in
CrI.O.P.(MD)No.5017 of 2023

Dated : 17.03.2023