



Crl.O.P.(MD)No.7035 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **18.04.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE **R.THARANI**

Crl.O.P.(MD) No.7035 of 2023

M.Sheik Mohamed

... Petitioner

Vs.

1.The Commissioner of Police,

Office of the Commissioner of Police,

Madurai City, Alagarkovil Main Road,

LIG Colony, K.Pudur, Tamilnadu-625002.

2.The Deputy Commissioner of Police (L&O),

Office of the Commissioner of Police,

Madurai City, Alagarkovil Main Road,

LIG Colony, K.Pudur, Tamilnadu-625002.

3.The Assistant Commissioner of Police,

CCB, Viswanathapuram, Madurai,

Tamilnadu – 625014.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to transfer the investigation of the complaint connected in C.No. 01/Inspr.CCB-II/R1.Sec/MC2023, dated 23.02.2023, on the file of the Central Crime Branch, Madurai to any other investigating agency or any other competent authorities.



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For Petitioner : Mr.Niranjan S.Kumar

For Respondents : Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

This petition is filed to transfer the investigation of the complaint connected in C.No.01/Inspr.CCB-II/R1.Sec/MC2023, dated 23.02.2023, on the file of the Central Crime Branch, Madurai to any other investigating agency or any other competent authorities.

2. On the side of the petitioner, it is stated that the accused in this case has cheated the petitioner Rs.75,00,000/- and 20 sovereigns of gold and a complaint was lodged by the petitioner before the respondent police. The respondent police, by name, Chandradevi, Sub Inspector of Police, has issued an action dropped report, advising the petitioner to approach the civil court. The petitioner filed another complaint, again, the very same Sub Inspector of Police issued summon to enquire the petitioner regarding the second complaint lodged by the petitioner, directing the petitioner to appear on 16.03.2023, at about 11.00 am, again, the very same Sub Inspector of Police, issued a summon to the petitioner to appear in the earlier complaint on 16.03.2023, at



about 11.00 am. and a fair investigation cannot be done by the particular Sub Inspector of Police and prayed the investigation to be transferred to some other agency.

3. On the side of the prosecution, it is stated that insolvency petition was pending before the Third Additional Sub Court, Madurai and hence, the earlier petition filed by the petitioner was closed by the prosecution.

4. By way of reply, on the side of the petitioner, it is stated that pendency of insolvency petition is not a reasonable ground, since no specific order declaring the accused was passed by the trial Court.

5. It is seen that even after the closure of the petition as action dropped, a summon was issued by the very same Sub Inspector of Police, hence, there is something fishy in this investigation and hence, the investigation is to be transferred. **The petitioner is hereby given liberty to file a fresh complaint against the accused before the third respondent.**



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6. With the above direction, this Petition is disposed of.

NCC : Yes/No
Index : Yes/No
Ls

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To

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- 2.The Deputy Commissioner of Police (L&O),
Office of the Commissioner of Police,
Madurai City, Alagarkovil Main Road,
LIG Colony, K.Pudur, Tamilnadu-625002.
- 3.The Assistant Commissioner of Police,
CCB, Viswanathapuram, Madurai,
Tamilnadu – 625014.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.THARANI. J.

Ls

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