



CrI.O.P.(MD) No.12833 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.12833 of 2023

1.Muthuramalingam

2.Bharathi

... Petitioners

Vs.

1.The Inspector of Police,
CCB, Trichy City,
Crime No.3 of 2023
Trichy City.

2.S.Sheik Abdullah

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records relating to the impugned FIR in Crime No.3 of 2023 dated 11.03.2023 on the file of the first respondent, quash the same insofar as the petitioners are concerned.

For Petitioners	:M/s.B.Jeyanthi
For R1	:Mr.S.S.Madhavan
	Government Advocate (crl.side)
For R2	: Mr.S.T.Sasidharan



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ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking quashment of the FIR in Crime No.3 of 2023 dated 11.03.2023 on the file of the first respondent.

2.It is submitted by learned counsel for the petitioners that one of the family members of *defacto* complainant in Crime No.3 of 2023 has filed a complaint, basing on which, another case in Crime No.2 of 2019, has been registered against the petitioners on 29.06.2019 for the offences under Sections 406, 420 and 120 (B) of I.P.C. and Section 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishments) Act, 1997. It is submitted since Crime No.2 of 2023 has already been registered by Economic Wings of the Police again on similar complaint another case in Crime No.3 of 2023 is registered by local police.

3.According to the learned counsel for the petitioners, both cases are arising under the same Act, in respect of the same transaction and the defacto complainants in both the criminal cases are also belonged to the same family.



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4.It is submitted further that the petitioners handed over the property worth of Rs.10,00,00,000/- to the Economic Wing of the Police. Learned counsel for the petitioners submits that the petitioners have been seeking quashment of FIR mainly on the ground that two complaints from the same family members have been filed in respect of the same incident and two crimes have been registered.

5.The learned Government Advocate (Crl.side) submits that though two members of the family have filed different complaints in respect of the similar offence, both the members of the family are the victims in the hands of the petitioners/accused.

6.Since both the complaints are being investigated by two different agencies, the investigation in this two crimes also may be on two different directions and therefore, it is better if both the complaints are being investigated by one agency. The learned counsel for the petitioners informed that in case if Crime No.3 of 2023 is transferred to Economic Offence Wing, Trichy and investigated by them, he has no objection. The learned Government Advocate



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WEB COPY (Crl.side) has fairly reported no objection to transfer Crime No.3 of 2023 to the file of Economic Offence Wing, Trichy.

7. Accordingly, this Petition is allowed and the Crime No.3 of 2023 pending on the file of the respondent No.1 police is hereby transferred to Economic Offence Wing, Trichy. Consequently, connected Miscellaneous Petition is closed.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

29.08.2023

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To

1. The Inspector of Police,
CCB, Trichy City,
Crime No.3 of 2023
Trichy City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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