



Crl.O.P.(MD).No.21846 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:05.12.2023

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD).No.21846 of 2023

Sam Kirubakaran

... Petitioner

Vs.

**1.The Sub Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
(Crime No.269 of 2022)**

**2.The Inspector of Police,
District Crime Branch,
Thoothukudi.**

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, to transfer the investigation pending in Crime No.269 of 2022 from the file of R1 Police to the R2 Police with a direction to investigate the case in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi

**For R1 & R2 : Mr.R.M.Anbunithi
Addl.Public Prosecutor**



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ORDER

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This petition has been filed to transfer the investigation pending in Crime No.269 of 2022 from the file of the first respondent to the second respondent, with a direction to investigate the case in accordance with law within the period stipulated by this Court.

2.The case of the prosecution is that on 26.04.2022 at about 08.00 p.m., while the petitioner was in his house, by producing a document pertaining to a Trust, the accused Pradeepkumar requested him a sum of Rs.6 lakhs and promised to repay the same within a period of 10 days. Believing his words, the petitioner gave the amount to the accused. However, the accused failed to repay the same to the petitioner. On enquiry, the petitioner came to know that the documents produced by the accused were forged, in order to obtain amount from the petitioner. Hence, the complaint. Based on his complaint, a case in Cr.No.269 of 2022 has been registered under Section 420 IPC.

3.When the matter was taken up for hearing, the learned Additional Public Prosecutor would submit that in this case, after



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investigation the complaint was closed as 'mistake of fact'. Due to pendency of 138 NI Act proceedings pending before the concerned Court, the parties were advised to work out their remedy before the concerned Court.

4.The learned Senior counsel for the petitioner would submit that absolutely it is a case of job racketing. On that basis, the present complaint has been given. This complaint is different from that of 138 of NI Act proceedings.

5.Since it is stated by the learned Senior Counsel for the petitioner that the present complaint is different from that of 138 of NI Act proceedings, considering the seriousness of allegations and grievous nature, the above said complaint in Cr.No.269 of 2022 is ordered to be reopened ascertaining after summoning the parties whether the subject matter is pertaining to 138 NI Act proceedings, then the complaint can be closed. If it is a case of job racketing, further action has to be taken in this regard.



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6.Apparently, the closure report was filed during the pendency of this petition. Hence, the reinvestigation has to be conducted under the supervision of the Deputy Superintendent of Police, Pudukkottai and the same must be completed within a period of five months from the date of receipt of copy of this order.

7.Accordingly, this petition stands disposed of.

05.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PNM

To

- 1.The Sub Inspector of Police,
Pudukkottai Police Station,
Thoothukudi District.
(Crime No.269 of 2022)
- 2.The Inspector of Police,
District Crime Branch,
Thoothukudi.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAAN,J.

PNM

ORDER IN
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