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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.03.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P No.3571 of 2024

Gomathi

...Petitioner/Accused

.Vs.

1.The Superintendent of Police
Ariyalur District.

2.The Inspector of Police
District Crime Branch
Ariyalur District.

.. Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the 2nd respondent to complete the investigation and file final report in Cr.No.11 of 2020, on the file of the 2nd respondent in accordance with law.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This petition has been filed for a direction to the 2nd respondent to complete the investigation and filed final report in Crime No.11 of 2020, within the time frame fixed by this Court.



2. When the matter was taken up for hearing, the learned Government Advocate (Crl.Side) produced the order passed by this Court in Crl.OP.No.17229 of 2021, dated 27.9.2021. For proper appreciation, the entire order is extracted hereunder:

According to the petitioner, he lodged a complaint before the Assistant Commissioner of Police, Central Crime Branch, Chennai and the F.I.R. in Crime No.75 of 2020 was registered at the instance of petitioner. Thereafter, as a counter-blast, the persons involved in Crime No.75 of 2020 had lodged a complaint in Crime No.29 of 2020 before the Namana Samuthiram Police Station, Pudukottai District against the petitioner. Likewise, another complaint was lodged against the petitioner before the District Crime branch, Ariyalur District in Crime No.11 of 2020. According to the petitioner, the transaction involved in all the three cases are connected and it would be appropriate that all the cases to be investigated by the same investigation agency, so that, there is no conflict of interest, contradictory statement and any suppression.

2. The learned Government Advocate (Criminal side) appearing for respondents 1 to 4 would submit that the petitioner is the complainant in Crime No.75 of 2020 and as a counter-blast, a complaints were lodged against the petitioner by the persons, who have lost money due to the petitioner's representation that he would secure job, the complaints in Crime Nos.29 of 2020 and 11 of 2020 were registered. The petitioner, as a defensive, lodged a complaint and the cases were registered, which he cannot use it as a shield and save himself from the prosecution in Crime Nos.29 and 11 of 2020.

He would further submit that when the petitioner is an accused, he



cannot seek any right to change the investigation in Crime Nos. 29 and 11 of 2020.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents 1 to 4.

4. The learned Government Advocate admits that the transaction involved in Crime Nos. 75 of 2020, 29 of 2020 and 11 of 2020 is a series of transaction, which are overlapping each other. In view of the same, this Court is inclined to transfer the cases in Crime No. 29 of 2020 from the file of 3rd respondent and Crime No. 11 of 2020 from the file of 4th respondent, both cases to the file of 2nd respondent, and the 2nd respondent shall conduct the investigation in all the cases together to avoid contradictory finding and avoid conflict. This Court also finds that it is a job racketing and the victims are hailing from other States, the 3rd and 4th respondents are directed to forthwith transfer the entire case file to the 2nd respondent without waiting for any further orders and the 2nd respondent is directed to give a priority in investigating the case, preferably to conclude the investigation within a period of six months from the date of receipt of copy of this order.

3. Pursuant to the above order, three FIRs including the present FIR in Crime No. 11 of 2020 stood transferred to the file of the Assistant Commissioner of Police, Central Crime Branch. The Assistant Commissioner of Police, Central Crime Branch was directed to conclude the investigation within a period of six months.



4.The learned Government Advocate (Crl.Side) submitted that the investigation will be completed within a period of eight weeks in all the cases. The learned Government Advocate (Crl.Side) submitted that there is no co-operation on the side of the complainants in Crime No.11 of 2020 and 75 of 2020. In view of the same, the investigation officer is directed to issue a fresh notice to the complainants to record their statements. If there is no co-operation, based on whatever material s are collected, a final decision shall be taken.

5.Recording the above submission, this criminal original petition is disposed of.

19.03.2024

Index: Yes/No
Speaking Order/Non Speaking Order
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To

- 1.The Superintendent of Police
Ariyalur District.
- 2.The Inspector of Police
District Crime Branch
Ariyalur District.
- 3.The Public Prosecutor
High Court, Madras.



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N.ANAND VENKATESH.,J

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