



Crl.O.P.(MD).No.2000 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

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Eswaran

... Petitioner

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Virudhunagar District.

3.The Sub-Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
(Crime No.185 of 2023)

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to transfer the investigation in Crime No.185 of 2023 from the third Respondent to the second Respondent.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.B.ThangaAravindh
Government Advocate
(Criminal Side)



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ORDER

This Criminal Original Petition had been filed to transfer the investigation in Crime No.185 of 2023 from the third Respondent to the second Respondent.

2. The learned Counsel for the Petitioner submitted that the Petitioner is the De-facto Complainant. Based on the complaint of the Petitioner, the third Respondent had registered a case in Crime No.185 of 2023 for offences punishable under Sections 406, 420, 294(b), 506(1) of IPC on 29.06.2023. It is the submission of the learned Counsel for the Petitioner that the Respondent Police had not recovered the amount of Rs.51,00,000/- from the accused and the investigation was not proceeded with fairly. Therefore, the Petitioner is seeking to withdraw the FIR in Crime No.185 of 2023 pending on the file of the third Respondent and transfer the same to any other agency.

3. On the query of this Court to the learned Government Advocate (Criminal Side) appearing on behalf of the Respondents, whether CD file is available, he had produced the CD file. On perusing the CD file, it is found that after hearing about the fraud committed on the Petitioner herein, the cousins of



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the Petitioner along with him went to the house of the Accused No.1 namely, Sathiyaraj, to verify and seek return of money. At that time, the accused claimed that he does not know them and threatened to kill them. Only then, the Petitioner had preferred a complaint. When a statement is available in the CD file regarding 3 persons who accompanied the De-facto Complainant to the residence of the accused, the statement of three other persons who accompanied him are not available. Their names are mentioned in the 161 Cr.P.C statement.

4. This Court is of the view that when the offence of cheating involves about Rs.51,00,000/- and also valuable jewels, the apprehension expressed by the Petitioner is found reasonable. Hence, the case in Crime No.185 of 2023 is ordered to be withdrawn from the file of the Sub-Inspector of Police, Thiruthangal Police Station, Virudhunagar District. The first Respondent is directed to peruse the CD file and hand over the same to the officer who is impartial in investigation and have sufficient investigation skills regarding White Collar Crimes and also senior officers of Additional Superintendent of Police or Deputy Superintendent of Police shall be nominated to guide the investigation, so that the investigation is completed within a reasonable period of three (3) months and entire money and jewels are secured at the earliest.



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4. In view of the above, this Criminal Original Petition is allowed.

09.02.2024

NCC:yes/no

Index:yes/no

Internet:yes/no

Nsr

Note: Issue Order Copy on 09.02.2024.

To

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
District Crime Branch,
Virudhunagar District.
- 3.The Sub-Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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