



Crl.O.P.(MD)No.10009 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.10009 of 2024

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... Petitioner

versus

1. The Commissioner of Police,
Madurai City.

2. The Assistant Commissioner of Police,
Central Crime Branch,
Madurai City.

3. The Inspector of Police,
CCB,
Madurai City.

... Respondents

Petition filed under Section 482 of Cr.P.C., to direct the first respondent to withdraw the Crime No.29 of 2023 on the file of the 3rd respondent and entrust the same to the 2nd respondent and direct the 2nd respondent to complete the investigation and file the final report before the concerned Court within the time stipulated by this Court.

For Petitioner : Mr.S.Poornachandran



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For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioner, who is the first accused in Crime No.29 of 2023, has approached this Court seeking transfer of investigation from the file of the 3rd respondent, to any other investigating agency.

2. The learned counsel appearing for the petitioner submits that the petitioner is running a chit fund in the name and style of “S.V.B. Maruthi Chit Fund”. In the year 2020, the petitioner suffered with covid-19 and therefore, he entrusted the entire works to one Ranjith and his wife Ramadevi, who were working under him. Taking advantage of the same, the said Ranjith with the help of his wife swindled the chit fund amount, for which, a criminal case has been registered against the petitioner/A1, his son and the said Ranjith/A2. The petitioner/A1 was arrested and subsequently, he was released on bail. The petitioner is having all the materials to prove the manner in which the said Ranjith/A2 has misappropriated the chit fund amount



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and by using that amount, he has purchased the properties in his name, in his wife's name and his relatives' names. Though the petitioner has produced all the materials before the Investigating Agency, they have not considered the same and not conducted the investigation based on the materials placed by him. Therefore, the learned counsel seeks a direction for transfer of investigation from the file of the 3rd respondent Police to some other agency.

3. The learned Additional Public Prosecutor submits that there are 92 victims in this case and the accused persons have cheated the chit amount to the tune of Rs.92 lakhs. In this case, they have examined 32 victims and the remaining victims have to be examined. Therefore, they require some more time for filing the final report. He further submits that the accused Nos.2 and 3 have obtained anticipatory bail from this Court and therefore, they are not co-operating for the investigation.



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4. This Court considered the rival submissions made.

5. The petitioner is the first accused in this case. He claims that in the year 2020, since he suffered with covid 19, he entrusted all the works to the said Ranjith/A2 and his wife. By taking advantage of the same, the second accused, with the help of his wife, misappropriated the chit amount and also purchased several properties in his name, his wife's name and also his relatives' names. He further claims that he is having all the documents to prove the manner in which the misappropriation has been committed by the second accused along with his wife. Though he produced all documents to the Investigating Agency, they have not considered the same.

6. The learned Additional Public Prosecutor submits that since the accused Nos. 2 and 3 have obtained anticipatory bail, they are not co-operating for the investigation.



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7. The respondent Police is expected to conduct the investigation in a fair and proper manner, by considering the materials if any placed by the accused. In this case, the petitioner claims that he has collected all the materials to prove as to how the misappropriation of amount has been committed and by utilizing the said amount, the properties have been purchased in the name of A2 and his wife's name and he has also furnished the same to the Investigating Agency. If the properties have been purchased by the accused from the misappropriated amount, it is the responsibility of the respondent Police to conduct the investigation as to how the misappropriation has been committed and as to whether the properties have been purchased in the name of A2, his wife's name and his relatives' names from the misappropriated amount or not. If the accused Nos. 2 and 3 are not co-operating for investigation, the respondent Police is having every right to summon them and conduct the investigation. If the accused Nos.2 and 3 are not responding to the summons, it is always open to the Investigating Agency to move an application for cancellation of anticipatory bail.



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8. It is reported that out of 92 victims, 32 victims have already been examined by the Investigating Agency. Therefore, considering the stage of the investigation, this Court is not inclined to transfer the investigation. At the same time, this Court is also not inclined to appreciate the manner in which the investigation is being conducted.

9. Accordingly, this Criminal Original Petition is disposed of with a direction to the second respondent/the Assistant Commissioner of Police, Central Crime Branch, Madurai, to monitor the investigation and file a final report as expeditiously as possible preferably within a period of four months from the date of receipt of a copy of this order.

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.



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B.PUGALENDHI, J.

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