



Crl.R.C.(MD).No.1038 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.R.C(MD). No.1038 of 2023

M.Puthuperumal

... Petitioner/Petitioner

Vs.

The District Crime Branch Police Station,
Tirunelveli,
Tirunelveli District.
(Crime No.28/2019)

... Complainant/Respondent

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order dated 31.07.2023 made in Cr.M.P.No.17785 of 2023 on the file of the learned Judicial Magistrate Court No. IV, Tirunelveli and set aside the same and allow the above criminal revision petition.

For Petitioner : Mr.C.Jeganathan
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

ORDER

The petitioner filed this petition to set aside the order passed in Cr.M.P.No. 17785 of 2023, dated 31.07.2023 by the file of the learned Judicial Magistrate Court No. IV, Tirunelveli.



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2.The case of the prosecution is that the first accused namely Nagalakshmi is running a Trust in the name and style of Best Women's Social Self Group Trust at Siripuram, SPP Buildings, Tirunelveli. The said Trust gave an advertisement for recruitment of some employees. After knowing the same, the petitioner/defacto complainant has approached the first accused and he was appointed as a Manager of the said Trust and assured a salary of Rs.4,000/- per week and imposed a condition that he should introduce some persons to invest some amounts in the said Trust and they would get huge returns. Based on such assurances and statement, the petitioner/defacto complainant and his friends of relatives of his village had invested a sum of Rs.5 lakhs. The relative of the petitioner namely, Bhavani, transferred a sum of Rs.2 lakhs to the account of the second accused. The accused nominated the petitioner as the Branch Manager in the said office and paid a monthly salary of Rs.16,000/-. In the beginning they paid the refund for one week and thereafter, there was no response from the accused. In such circumstances, the petitioner came to know that the first and second accused said to have collected various amounts from so many persons including the petitioner. Thereafter, the petitioner gave a complaint to the Deputy Commissioner of Police, Crime and Traffic, Tirunelveli City in C.No. 716/Ptn/DCCT/Tin-C/2018, the respondent Police registered a case in



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C.C.B.Crime No.28 of 2019 for the offence under Section 420 of IPC, on 19.09.2019. After the investigation, the respondent Police filed a final report before the learned Judicial Magistrate No.IV, Tirunelveli, as undetected on 03.12.2021. Against which, the petitioner filed a petition in Crl.M.P.No.17785 of 2023, dated 31.07.2023 before the learned Judicial Magistrate No.IV, Tirunelveli, seeking re-investigation and to arrest the accused 1 to 3. After considering the evidence and documents, the trial Court dismissed the petition on the ground that the trial Court has no power to order for re-investigation and directed the respondent for further investigation. Hence, the petitioner filed the present revision petition.

3.The learned counsel appearing for the petitioner submitted that the investigating officer, without arresting the accused filed the final report and he has not conducted proper enquiry. Therefore, he seeks for further investigation.

4.Pending the proceedings, this Court instructed to the Additional Public Prosecutor to get instruction relating to the steps taken by the investigating officer to arrest the accused.



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5.Today, the learned Government Advocate (Crl. Side), on instructions, submitted that totally there are five accused in this case. The respondent Police arrested all the accused and the investigation was completed and final report was filed before the learned Judicial Magistrate No.IV, Tirunelveli, for the offence under Sections 420 and 120(b) of IPC.

6.In the above circumstances, this Court is inclined to dispose the revision in the following term:

6.1.In view of the arrest made by the investigating officer and also final report filed for the offence under Sections 420 and 120(b) of IPC, it is open to the petitioner if any grievance redresses, they approach the Court below to rectify the same in accordance with law.

7.With the above direction, this Criminal Revision Case is disposed of.

08.02.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To

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1. The Judicial Magistrate No. IV,
Tirunelveli.
2. The District Crime Branch Police Station,
Tirunelveli,
Tirunelveli District.
3. The Section Officer,
Criminal Section(Records),
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN, J.

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**Pre-delivery Order made in
Crl.RC(MD). No.1038 of 2023**

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