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CrI.O.P.(MD)No.21343 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.03.2024**

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

CrI.O.P.(MD) No.21343 of 2022

and

CrI.M.P.(MD)No.14964 of 2022

Chidambaram

... Petitioner

Vs.

1.The Inspector of Police,
Thottiyam Police Station,
Trichirapalli District.
Crime No.276 of 2021.

2.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Tiruchirappalli.

... Respondents/Complainants

PRAYER: Criminal Original Petition is filed under Section 482 of C.P.C., to call for the records pertaining to negative final report in RCS No.03 of 2022 on the file of the learned Judicial Magistrate Court at Thottiyam, Tiruchirappalli and set aside the same and consequently transfer the investigation in FIR in Crime No.276 of 2021, dated 27.08.2021 on the file of the first respondent to the second respondent and complete the investigation and file final report within a stipulated period as may be fixed by this Court.



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For petitioner : Mr.I.Romeo Roy Alfred
For Respondents : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to quash the negative final report in RCS No.03 of 2022 on the file of the learned Judicial Magistrate Court at Thottiyam, Tiruchirappalli and consequently transfer the investigation in FIR in Crime No.276 of 2021, dated 27.08.2021 on the file of the first respondent to the second respondent and complete the investigation and file final report within a stipulated period as may be fixed by this Court.

2.The case of the petitioner is that the petitioner is the defacto complainant. The accused, namely, Karuppiah, induced the petitioner and his mother that they will be getting more interest and received a sum of Rs.4,66,000/- and Rs.2,80,000/- respectively. Later, the petitioner came to know that the said Karuppiah collected more than Rs.4 crores from 100 people in the locality and cheated them. Against the fraudulent act of the accused, the petitioner has raised so many complaints before the respondent police, including the District Collector and the District Revenue Officer, pursuant to which, a case in Crime No.276 of 2021 was



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registered against the accused on 27.08.2021 and even thereafter, the first respondent did not conduct the investigation properly, thereby, the petitioner filed a petition before this Court under Section 482 of Cr.P.C., in CrI.O.P.(MD)No.12471 of 2022 and the same was closed on 12.07.2022, directing the Investigating Officer to complete the investigation and file a final report within three months. However, to the shock and surprise, the petitioner received RCS notice dated 02.09.2022 stating that the FIR is civil in nature and directed the petitioner to approach the civil Court, if any objection exists. Thereby, the present petition is filed with the above said prayer.

3.The learned counsel for the petitioner would submit that admittedly, the Law Officer's submission was recorded on 12.07.2022 in CrI.O.P.(MD)No.12471 of 2022 stating that the investigation will be completed within three months. However, the respondent police issued the RCS notice on 30.05.2022, contrary to the statements made by the Law Officer before this Court and that attitude of the respondent police shows that there is a *malafide* act against the petitioner and in order to favour the accused. Hence, this Court may issue a direction to the first respondent police to conduct proper investigation and file a final report within a reasonable time as fixed by this Court.



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4.The learned Additional Public Prosecutor would submit that the date mentioned in the RCS notice, that was sent to the petitioner was wrongly mentioned as 30.05.2022 instead of 29.07.2022. That error happened only on *a bona fide* mistake and not with any intention. Hence, as per the order passed by the Director General of Police, dated 21.09.2022 the case will be referred to the second respondent and the second respondent will conclude the investigation and file a final report within the time stipulated by this Court.

5.In view of the above, the first respondent is directed to hand over the entire case papers to the second respondent. Further, the second respondent is directed to conclude the investigation in terms of the order passed by the Director General of Police, dated 21.09.2022 and file a final report before the concerned Court within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above directions, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No

Internet : Yes/No

NCC: Yes/No

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To

- 1.The Inspector of Police,
Thottiyam Police Station,
Trichirapalli District.
- 2.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Tiruchirappalli.
- 3.The Judicial Magistrate Court at Thottiyam, Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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