



**Crl.O.P.(MD) No.18945 of 2024**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.11.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

**Crl.O.P.(MD)No.18945 of 2024**

**and**

**Crl.M.P.(MD)No.11722 of 2024**

Palanimanickam

... Petitioner

-VS-

1.The State Rep. by  
The Inspector of Police,  
District Crime Branch,  
Trichy District.  
(Crime No.30 of 2024)

2.Arumugam

... Respondents

Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking to call for the records pertaining to the F.I.R. in Crime No.30 of 2024, on the file of the first respondent Police, and quash the same insofar as the petitioner/A1 is concerned.



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For Petitioner : Mr.B.Jameel Arasu  
For R1 : Mr.A.Thiruvadi Kumar  
Additional Public Prosecutor

**ORDER**

The petitioner/A1 filed the Criminal Original Petition seeking to quash the F.I.R. in Crime No.30 of 2024, for the offences under Sections 406 and 420 I.P.C., on the file of the first respondent Police.

2. The contention of the learned counsel for the petitioner is that the second respondent/de-facto complainant lodged a complaint against the petitioner (A1), stating that the petitioner, along with one Jagadeesan of Madurai, had collected money from the second respondent (Arumugam) on promise for securing an appointment as a Member of the Tamil Nadu Public Service Commission, and demanded a sum of Rs.22,00,000/-. On bevelling the words, on 23.07.2014, the second respondent / de-facto complainant paid Rs.15,00,000/- and another sum of Rs.5,00,000/- on various dates to Jagadeesan. Thereafter, the said Jagadeesan failed to secure the post for the second respondent / de-facto complainant and failed to return the money. Hence, the case registered against the petitioner / A1 and others.



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3. The further contention of the learned counsel for the petitioner is that the petitioner earlier lodged a complaint in Crime No.176 of 2016 against the said Jagadeesan stating that he had cheated the petitioner on the pretext of getting employment to his wife and the said case is now pending with the Inspector of Police, K.K.Nagar Police Station, Trichy. Till date, no action taken against the said Jagadeesan for recovery of the petitioner's money. The learned counsel further submitted that the respondent Police registered the present case on 05.04.2024 as though the petitioner had cheated the second respondent / de-facto complainant after ten years of the occurrence. Hence, the learned counsel for the petitioner prayed for quashing of the F.I.R.

4. The learned Additional Public Prosecutor for the first respondent, on the other hand, submitted that the second respondent / de-facto complainant lodged a complaint on 11.01.2024 stating that he paid Rs.22,00,000/- to the petitioner / A1 in his Office at Pudur, Trichy, with a view to get an employment. Based on the said complaint, an F.I.R. was registered by the District Crime Branch on 05.04.2024 in Crime No.30 of 2024 for the offences punishable under Sections 406 and 420 I.P.C. against the petitioner and Jagadeesan. The petitioner's



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claim that he lost money at the hands of the second accused may not be sustainable. The petitioner's earlier complaint of being cheated is currently under investigation by the K.K.Nagar Police. The Police now requested verification of the details and proof of the payment, which the petitioner has yet to provide. As a result, the investigation is stalled.

5. The learned Additional Public Prosecutor further submitted that on 25.10.2024 the Assistant Public Prosecutor, Judicial Magistrate Court No.I, Trichy, has given an opinion stating that the case in Crime No.176 of 2016 is pending as against the second accused Jagadeesan for the offence under Section 420 I.P.C. at K.K.Nagar Police Station and the offence is committed within the jurisdiction of City limit and therefore, the case diary may be transferred from District Crime Branch Police Station, Trichy, to City Crime Branch Police Station, Trichy. Further, on the point of jurisdiction, the F.I.R. in Crime No.30 of 2024 pending before the District Crime Branch, Trichy District, has to be transferred to the City Crime Branch Police Station, Trichy and thereafter, it is for the Investigating Officer to investigate both the cases and file a final report after collecting evidence.



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6. In view of the above said submission, this Court directs the transfer of investigation in Crime No.30 of 2024, dated 05.04.2024, for the offences under Sections 420 and 406 I.P.C., from the file of the Inspector of Police, District Crime Branch, Trichy District, to the City Crime Branch, Trichy District. Further, the case in Crime No.176 of 2016 now pending before the K.K.Nagar Police Station, Trichy, for the offence under Section 420 I.P.C. is also directed to be transferred to the City Crime Branch, Trichy District.

7. The Deputy Commissioner of Police, City Crime Branch, Trichy, is directed to allocate both the cases to the same Officer, who shall investigate the same and file a final report in both cases without delay.

8. This Criminal Original Petition is disposed of with the above directions. Consequently, connected Miscellaneous Petition is also closed.

NCC : Yes / No  
Index : Yes / No  
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WEB COPY **Copy to:-**

- 1.The Deputy Commissioner of Police,  
City Crime Branch, Trichy District.
- 2.The Inspector of Police,  
K.K.Nagar Police Station,  
Trichy.

To:-

- 1.The Inspector of Police,  
District Crime Branch,  
Trichy District.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**M.NIRMAL KUMAR, J.**

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