



Crl.O.P.(MD)No.19668 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19668 of 2024

Mery Johnci Rani

... Petitioner

Vs.

The Inspector of Police,
Karimedu Police Station,
Madurai.

Crime No.1239 of 2021

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the respondent police to complete the investigation and file the final report in Crime No.1239 of 2021 on the file of the respondent police within a time limit as fixed by this Court.

For Petitioner	: Mr.K.K.Samy
For Respondent	: Mr.A.Thiruvadikumar Additional Public Prosecutor

ORDER

The petitioner/defacto complainant lodged a complaint and case in Crime No.1239 of 2021 registered against three persons for the offence under Section 294(b), 406, 420 and 506(i) of IPC. The accused in this



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case have misappropriated and cheated the petitioner to the tune of Rs.24,00,000/-. The accused had approached this Court and obtained anticipatory bail on 01.07.2022 with an undertaking that they would deposit the misappropriated amount of Rs.24,00,000/- to the defacto complainant. Thereafter, they had sought for extension of time and finally, finding the accused deceiving the Court and not complying with the undertaking given by them, bail granted in favour of them was cancelled on 24.11.2022. Thereafter, the petitioner is not aware what is the stage of the investigation and the accused are at large.

2. The learned Additional Public Prosecutor appearing for the respondent police fairly submitted that the case in Crime No.1239 of 2021 has been registered on 28.10.2021 against three persons and they were granted anticipatory bail and later, the same was cancelled on 24.11.2022. Since prior to cancellation of bail, seven witnesses have been examined and statement recorded. Thereafter, for some reason, case has not been investigated as required.



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3. Considering the aforesaid submission and perused the materials available on record, it is seen that the police have been inaction, after cancellation of the bail on 24.11.2022. It would apparently show that there seems to be some complicity between the respondent police and the accused in this case. Finding these laxity unexplainable, despite this Court cancelling the bail granted to the accused as early as on 24.11.2022 and it is two year from then, no action has been taken, it would be appropriate to transfer the investigation in Crime No.1239 of 2021. accordingly, the investigation in Crime No.1239 of 2021 on the file of the respondent police is directed to be transferred to the file of the Assistant Commissioner of Police Thilagar Thidal Police Station, who shall take investigation and secure the accused as per order of this Court in Cr.M.P(MD).No.10108 of 2022 in Crl.O.P(MD).No.5725 of 2022 dated 24.11.2022 and complete the investigation, preferably, within a period of four months from the date of receipt of a copy of this order.

4. With the above direction, this Criminal Original Petition is disposed of.

NCC : Yes / No
Index : Yes / No
Rmk

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To

- 1.The Assistant Commissioner,
Thilagar Thidal Police Station,
Madurai.
- 2.The Inspector of Police,
Karimedu Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
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