



Crl.O.P.No.23651 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.23651 of 2024

Manoharan

... Petitioner

Vs.

1. Inspector of Police,
Perambalur Police Station,
Perambalur District,
Crime No.1187/2021

2. Joint Director,
Office of the Joint Director,
South CBI,
Chennai – 606 006.

... Respondents

Prayer: Criminal Original petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the first respondent to transfer the case in Crime No.1187 of 2021, pending on the file of the Inspector of Police, Perambalur Police Station, Perambalur District to independent agency 2nd respondent CBI, to conduct further investigation into the matter in accordance with law.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)



Crl.O.P.No.23651 of 2024

ORDER

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This petition has been filed for transfer of investigation in Crime No.1187 of 2021 from the file of the first respondent to the file of the second respondent/CBI to conduct further investigation.

2. The petitioner lodged complaint before the first respondent and the same was registered in Crime No.1187 of 2021 for the offences punishable under Sections 406, 506(1) of IPC and Section 3 of the Tamil Nadu Prohibition of Charging Exorbitant Interest Act, 2003, as against the accused persons. After completion of investigation, the first respondent closed the FIR as “mistake of fact” and filed closure report.

3. Aggrieved by the same, the petitioner filed protest petition in Crl.M.P.No.369 of 2024 and the learned Judicial Magistrate-I, Perambalur, by an order dated 16.08.2024, allowed the petition filed by the petitioner and ordered for further investigation by the very same respondent under Section 173(8) of Cr.P.C., and to file the supplementary charge sheet. Even after the direction issued by the learned Judicial Magistrate-I, Perambalur, dated 16.08.2024, the first respondent simply kept the investigation pending and did not proceed further. Hence the



Crl.O.P.No.23651 of 2024

petitioner filed the present petition with the above said prayer.

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4. The specific case of the petitioner is that the petitioner borrow loan to the tune of one crore from the accused persons. In fact, a sum of Rs.7,00,000/- was deducted towards interest for one month and the petitioner received only a sum of Rs.93,00,000/-. Subsequently, in order to realize the loan amount under threat and correction, the property belongs to the petitioner was also registered in favour of the accused persons. However, the first respondent closed the FIR as mistake of fact and as such the learned Judicial Magistrate-I, Perambalur, by an order dated 16.08.2024, directed the first respondent to conduct further investigation.

5. Considering the above facts and circumstances, for conducting fair and proper investigation, the FIR in Crime No.1187 of 2021 pending on the file of the first respondent is hereby withdrawn and transferred to the Inspector of Police, CBCID, Perambalur District. On receipt of the entire case dairy in Crime No.1187 of 2021, the Inspector of Police, CBCID, Perambalur, is directed to complete the investigation and file final report within a period of twelve weeks from the date of



Crl.O.P.No.23651 of 2024

receipt of a case dairy.

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6. With the above directions, the Criminal Original Petition stands allowed.

21.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts



Crl.O.P.No.23651 of 2024

WEB COPY

To

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Perambalur Police Station,
Perambalur District,
Crime No.1187/2021
2. Joint Director,
Office of the Joint Director,
South CBI,
Chennai – 606 006.
3. The Inspector of Police,
CBCID, Perambalur District.
4. The Public Prosecutor,
Madras High Court, Chennai.



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Crl.O.P.No.23651 of 2024

G.K.ILANTHIRAIYAN, J.

rts

Crl.O.P.No.23651 of 2024

21.02.2025