



CRL OP(MD), Nos.1150 & 1152 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.1150 & 1152 of 2025

S.Sivasubramaniyan

... Petitioner in Crl.O.P(MD) No.1150 of 2025

M.R.Solaiyappan

... Petitioner in Crl.O.P(MD) No.1152 of 2025

Vs

1. The Director General of Police,
No.1, Kamarajar Salai,
Mylapore, Chennai 600 004.

2. The Inspector General of Police (Central Zone),
Kajamalai Colony,
Edamalaipatti Pudur,
Tiruchirapalli District 620 023.

3. The Deputy Inspector General of Police,
Khajanagar (Sub Office),
Tiruchirapalli District.

4. The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai, Pudukkottai District.

5. The Inspector of Police,
CBCID Police Station, Pudukkottai.



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6. The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai.

... Respondents in all petitions

COMMON PRAYER : Criminal Original PetitionS filed under Section 528 of BNSS, to direct the respondents to issue suitable orders to withdraw and transfer the Investigation in CSR Nos. 544 and 596 of 2024 on the file of the 6th respondent to 5th respondent for a fair and speedy investigation within a reasonable time and pass.

In both petitions:

For Petitioner : M/s.Karthikeyan.S,

For Respondent : Mr. A.Thiruvadi Kumar, B.A., B.L.,
Additional Public Prosecutor

COMMON ORDER

The petition in Crl.O.P(MD) No.1150 has been filed by one Sivasubramanian and the petition in Crl.O.P(MD) No.1152 of 2024 has been filed by one Solaiyappan, who is the father of Sivasubramanian seeking transfer of investigation in CSR No.544 and 596 of 2024 from the file of 6th respondent to the 5th respondent.



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2.It is the contention of the petitioners that both the petitioners/son and father are running a business in the name and style of V.S.P.Velli Maligai in Pudukottai District. In the said shop, one Suresh and Murugan were working as Salesmen. Apart from them, there are four other temporary workers working in that shop. On 14.04.2024, the father/M.R.Solaiyappan/petitioner in CrI.O.P(MD) No.1152 of 2025 gave 192.050grams of gold coins to his son/S.Sivasubramaniyan/petitioner in CrI.O.P(MD) No.1150 of 2025 and asked him to sell and he went to Kasi Yatra. During his trip, on 10.05.2024, when the father enquired his son through mobile phone about the sale of gold coin, his son replied that he had sold 12 grams of gold coins and he is having sale amount of Rs.82,200/-. On 10.10.2024, when the father returned from Kasi Yatra and enquired his son about the sale of gold coin and verified the accounts. The petitioners asked the said Suresh to furnish the sale account and the same was not done by him. On 14.10.2024, both the petitioners forced the said Suresh to hand over the accounts and the sale amount in a strict manner. At that time, Suresh took the two wheeler belongs to the jewellery shop and escaped. On 15.10.2024, the father gave a complaint to the 6th respondent and the



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same was recorded as CSR No.544 of 2024. Later, on stock verification it was found that 330 pairs of silver anklets worth about Rs.30 lakhs. Therefore, a case has been registered by the son and the same was enquired in CSR No.596 of 2024 against one Murugan. Though two CSRs are pending before the 6th respondent, the police has not conducted investigation in a thorough manner and simply closed the case as 'action dropped'. Hence, this petition has been filed.

3.The learned Additional Public Prosecutor appearing for the respondent police submitted that though CSR Nos.544 and 594 of 2024 were registered based on the complaints given by the petitioners, due to non co-operation of the petitioners the same were closed as 'action dropped'. However, part of the properties/silver articles have been seized and handed over to the petitioners.

4.It is seen from the records that it is a clear case of misappropriation and cheating, committed by the employees namely Suresh and Murugan. Based on the complaints given by the petitioners, enquiry has been conducted in CSR Nos.544 and 596 of 2024 and since



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some portion of property has been handed over to the petitioners and non co-operation of the petitioners, they were closed as 'action dropped'.

5.However, only for the reason of non co-operation of the petitioners, enquiry conducted in CSR Nos.544 and 594 of 2024 were closed as 'action dropped' is not proper. The prosecution has to reveal the entire story by way of conducting a detailed investigation. A detailed enquiry only reveal the truth behind the scene.

6.Considering the nature of offence and stage of investigation, the closure reports filed in CSR Nos.544 and 594 of 2024 are hereby quashed. The Deputy Superintendent of Police, CCB Police Station, Pudukottai is directed to conduct enquiry in these cases. The petitioners are directed to appear for enquiry and co-operate with the investigation and produce all the relevant CCTV footages and stock position in the shop before the investigation officer, who in turn, conduct an enquiry in a fair and proper manner in accordance with law, within a period of three months from the date of receipt of records from the 6th respondent. The 6th respondent is directed to submit all the case records



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pertaining to the case of the petitioners before the Deputy Superintendent of Police, CCB Police Station, Pudukottai within a week from the date of receipt of copy of this order.

7.With the above directions, these petitions stand disposed of.

23.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
PNM

To

1. The Director General of Police,
No.1, Kamarajar Salai,
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2. The Inspector General of Police (Central Zone),
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Edamalaipatti Pudur,
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Pudukkottai,

6/8



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Pudukkottai District.

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5. The Deputy Superintendent of Police, CCB Police Station,
Pudukkottai

6. The Inspector of Police,
CBCID Police Station,
Pudukkottai.

7. The Inspector of Police,
Pudukkottai Town Police Station,
Pudukkottai.

8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

PNM

COMMON ORDER IN
CrI.O.P.(MD)Nos.1150 & 1152 of 2025

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