



Crl.O.P.(MD)No.22111 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22111 of 2024

Chitra

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Thoothukudi Circle,
Thoothukudi.

2.The State of Tamil Nadu,
The Inspector of Police,
South Police Station,
Thoothukudi District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, seeking a direction to the first respondent to withdraw the investigation in Crime No.440 of 2024, on the file of the second respondent and to transfer the same to some other competent fair investigation officer.

For Petitioner : Mr.S.Gokulraj

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



Crl.O.P.(MD)No.22111 of 2024

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ORDER

The petitioner, who is the de-facto complainant in Crime No.440 of 2024 under Sections 406 and 420 of the Indian Penal Code (I.P.C.), has filed the present petition seeking a proper investigation of the case.

2. In the complaint, the petitioner has stated that while she was working at a tile showroom in Thoothukudi, on 15.04.2024, the accused, Petchimuthu, introduced himself as a customer. They later became friends. The accused deceived the petitioner with the intention of causing her financial loss and asked her to buy a Maruti S-Presso-VXI car (Registration No.TN-69-BT-4817) in her name for his own benefit. The accused also signed as a guarantor for the car. The petitioner paid an advance of Rs.70,000/- for the car and thereafter used it. Thereafter, on 15.04.2024, the accused took the car for his hospital use, but failed to return it. On 20.04.2024, the accused visited the petitioner's house again and took her two-wheeler, with the intention of retrieving the car and promising to return both the car and the two-wheeler. However, neither the car nor the two-wheeler was returned. Hence, the petitioner lodged a complaint against him. Based on this complaint, a case under Crime No.



Crl.O.P.(MD)No.22111 of 2024

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440 of 2024 was registered against Petchimuthu. However, the petitioner claims that no further action has been taken in the case. Hence, the petitioner has filed the present petition requesting the withdrawal of Crime No.440 of 2024 from the second respondent and its transfer to another competent officer for a fair investigation.

3. The learned Additional Public Prosecutor informed this Court that, following the petitioner's complaint, the First Information Report (F.I.R.) was registered, and the investigation is ongoing. Furthermore, the petitioner's car has been seized and was produced before the lower Court in P.R.No.1 of 2025 on 03.01.2025.

4. Considering the above submissions, it is seen that the investigation is still in progress. The petitioner must be informed about the seizure of the car, so that she can take appropriate legal action to recover it from the lower Court. The investigation will continue, and the Deputy Superintendent of Police (the first respondent) will oversee and monitor the progress of the investigation.



Crl.O.P.(MD)No.22111 of 2024

WEB COPY

5. With the above directions, this Criminal Original Petition is disposed of.

06.01.2025

NCC : Yes / No
Index : Yes / No
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To

- 1.The Deputy Superintendent of Police,
Thoothukudi Circle,
Thoothukudi.
- 2.The Inspector of Police,
South Police Station,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.22111 of 2024

M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.22111 of 2024

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