



Crl.O.P.No.29514 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.04.2026

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

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Nirmal Kumar,
Aged about 46 years,
S/o.Prakash Chand Jain,
Shop No.17, 1st Floor, Mahaveer Complex,
No.33, Veerappan Street, Chennai.

... Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Avadi City, Avadi, Chennai.

2.The Inspector of Police,
Central Crime Branch, LD-III Team,
Avadi, Chennai.
Crime No.67 of 2025.

3.Mrs.Valli,
The Inspector of Police,
Central Crime Branch, LD-III Team,
Avadi, Chennai.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to transfer the investigation of Crime No.67
of 2025 dated 26.05.2025 pending on the file of the 2nd respondent to any other
agency.



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For Petitioner : Mr.Abudu Kumar Rajarathnam,
Senior Counsel for Mr.S.Joel

For R1 & R2 : Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor

ORDER

The petitioner as defacto complainant lodged a complaint and a case in Crime No.67 of 2025 registered for offence punishable under Section 420 of IPC, for cheating 12kgs 980 grams 511 milligrams of gold valued around Rs.12,83,00,000/- and cash of Rs.23,00,000/-.

2.The case of the petitioner is that the petitioner initially lodged a complaint to the respondent Police and no action has taken. Thereafter, he gave a complaint to the Commissioner of Police, which was forwarded in C.No.75/COP-PG/Camp/APC/2025 dated 19.05.2025 and thereafter, FIR registered. The petitioner for the past 29 years is in the gold business. His wife's uncle's son Ashish Kumar and Abishek, during May 2024, approached the petitioner, informed they are starting a jewellery and promised the petitioner that if the petitioner supplies gold jewels to them, they would sell the jewels and pay the amount then and there and the transactions can be accounted on a monthly basis. After agreeing to the same, around 13.10.23



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kgs of gold supplied to the gold shop of Ashish Kumar and Abishek viz., M/s.Deepa Jewellery at No.62, Perumal Koil Street, Mangadu, Poonamallee.

Though they promised to repay the amount, they failed to do so and melted the jewels into gold bars, traded, but not informed the petitioner, thereby, misappropriated the jewel property. Hence, a complaint lodged.

3.Learned counsel for the petitioner submitted that after registration of the case, no action taken and the total worth of the jewels given to Ashish Kumar and Abishek is around 16.021 kgs, which are worth about Rs.17.55 Crores. In this case, A1 & A2 arrested on 29.09.2025 and their confession statements recorded. A3 arrested and his confession statement also recorded. After their remand to judicial custody, Police custody was taken on 09.06.2025 and again confession statement recorded. 13.102 kgs of gold, which they have melted, converted into gold bars, sold to various persons including A4 to A6. It was also revealed that 5kgs of gold, which was melted retained by A4 and another 3kg of gold retained by A6, nothing recovered.

4.He further submitted that the confession of the accused confirms that 5kg of gold was given to A4, who is running a shop in the name of M/s.Kalash Jewellery, No.4, NSC Bose Road, Chennai; another 5kg of gold was given to



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A7, retained the same in his shop at M/s.Vishal Testing, Shop Nos.4 & 5, Golden Complex, NSC Bose Road, Chennai; another 3kg of gold was melted and retained by A6 at M/s.Sree Testing Jewellery, No.34, Hanumantharayan Street, NSC Bose Road, Chennai-600003. Though it revealed 13 kgs of gold jewels which was melted and retained, no recovery made. The apprehension of the petitioner is that the Investigating Officer has repeatedly forced the petitioner to meet one Jayantilal Challani, Chairman of Challani Jewellery who is the President of the Jewellers and Diamond Trader's Association to retrieve the retained gold from the accused, but the Police not conducted any investigation. Only after much persuasion, on 16.06.2025, the petitioner made a call to Jayantilal Challani and met him. Thereafter, Jayantilal Challani informed to alter the complaint as if 22 kgs of gold cheated and from the 22 kgs of gold, 13.102 kg of gold can be recovered, which the petitioner refused. Thereafter, the investigating officer conducted a "Kangaroo Court", but no investigation as contemplated conducted. The said Jayantilal Challani is an influential person, he is seen always with high ranking officials, Police Officers and influential persons. On 11.10.2025, Rajasthani Association had a function in which the Commissioner of Police, Avadi Commissionerate invited as chief guest. This confirms his influence, hence, the Investigating Officer, who is of a much lower rank, is unable to conduct any investigation as



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required. The petitioner has lost his hope and faith with the investigating officer. Hence, he prays for transfer of investigation.

5.The learned Additional Public Prosecutor appearing for the respondents 1 & 2 submitted that since allegations have been made against the investigating officer and high ranking Police officers in Avadi Commissionerate and against the Association President, the case may be transferred to CCB, Chennai, so that the apprehension of the petitioner can be removed and for fair investigation can be done.

6.Considering the submissions and on perusal of the materials, it is seen that from May 2024 to till date, not even a gram of gold was recovered in this case, which is a matter of concern, confirming that the investigation is being conducted in a lackluster manner. Further the allegations of the petitioner against Avadi Commissionerate Police having credence, cannot be brushed aside. Hence, it would appropriate to transfer the case from Avadi Police Commissionerate to Chennai Police Commissionerate.

7.In view of the above, the FIR in Crime No.67 of 2025 dated 26.05.2025 pending on the file of the 2nd respondent is transferred to the file of



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the Central Crime Branch, Chennai *i.e.*, from Avadi Police Commissionerate to Chennai Police Commissionerate. The case diary in Crime No.67 of 2025 to be handed over to the Commissioner of Police, Vepery, Chennai. The Commissioner of Police, Vepery, Chennai shall appoint an officer in the rank of Assistant Commissioner of Police to investigate the case in Crime No.67 of 2025 and to file a final report within a reasonable period, preferably within a period of six months from the date of assignment of the said officer.

8.With the above observations, this Criminal Original Petition is allowed.

.04.2026

Speaking order/Non-speaking order
Index: Yes/No
Neutral Citation: Yes/No
krk



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To

WEB COPY

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Avadi City, Avadi, Chennai.
- 2.The Inspector of Police,
Central Crime Branch, LD-III Team,
Avadi, Chennai.
- 3.The Public Prosecutor,
Madras High Court.

Copy To:

The Commissioner of Police,
No. 132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Chennai-600007.



WEB COPY



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M.NIRMAL KUMAR, J.

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