

Crl.OP(MD).No.14901 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 07.07.2026

ORDER PRONOUNCED ON : 15.07.2026

CORAM

THE HONOURABLE MR JUSTICE R.VIJAYAKUMAR

Crl.O.P(MD).No.14901 of 2025

Indhumathi

....Petitioner/Defacto Complainant

Vs

1.The State of Tamil Nadu
Rep.by the Commissioner of Police
Madurai City
Madurai

2.The Inspector of Police
Central Crime Branch (Unit II)
Madurai City
Crime No.28 of 2023

3.The Inspector of Police
CBCID, Madurai

4.J.Stephen Selvakumar

....Respondents

(R4 is impleaded as per order of this
Court dated 07.11.2025)

Prayer:Petition is filed under Section 528 of BNSS, 2023, to withdraw the case registered in Crime No.28 of 2023 pending investigation on the file of



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the second respondent and transfer the same to the file of the third respondent with a direction to complete the investigation within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi
Senior Counsel
For M/s.Gandhi Associates

For Respondents : Mr.P.Samuel Gunasingh
Government Advocate (Crl.side)
For R1 to R3

:Mr.Raja. Karthikeyan for R4

ORDER

The present petition has been filed by the defacto complainant in Crime No.28 of 2023 on the file of the second respondent police seeking to transfer the investigation from the file of the second respondent to the file of the third respondent and to complete the investigation within a period stipulated by this Court.

(A).Factual Matrix:

2.A perusal of the F.I.R reveals that the same has been registered on 23.12.2023 as against the fourth respondent herein for the alleged offence under Sections 120B, 406, 420, 465, 468, 471 and 477A of I.P.C. The averments in the F.I.R reveal that the petitioner and her husband are residing in USA and when they came to India, they have started a wholesale pharma company under the name and style of “RJL Annai Pharma” along with the



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accused person. The profits has to be shared between her husband and the accused person as 99% and 1% respectively. The accused was expected to maintain the accounts.

3.It is further alleged in the F.I.R that they have entered into a partnership deed on 02.10.2015 and they have invested Rs.2,40,00,000/-. As per F.I.R, when they came to India in the year 2023, the fourth respondent had requested that he would like to resign from the partnership firm and an agreement was prepared on 10.05.2023, a signature was obtained from her husband. Her husband has signed the said document without verifying the accounts, believing the accused person. In April 2023, when they have verified the account, they found that the accused person was involved in several malpractices.

4.It is further alleged in the F.I.R that on 03.08.2023, when they enquired about the same with the accused person, he is alleged to have abused and threatened the petitioner. It is further alleged that forged documents have been prepared by the accused person by making alterations in the account and he had misappropriated to a tune of about Rs.4.58 crores. Therefore, the complainant has sought for initiating action.

5.The fourth respondent and his wife had filed Crl.OP(MD).No.228 of 2024 before this Court seeking anticipatory bail and the same was dismissed on 10.01.2024. The petitioner has lodged a complaint before the

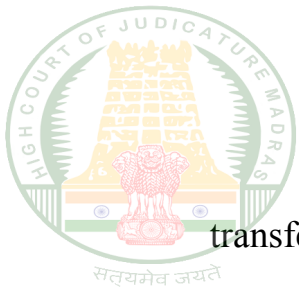


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Commissioner of Police, Madurai on 08.02.2024 to secure Accused Nos.1 and 2 in view of the dismissal of anticipatory bail application. During investigation, the second respondent had issued a communication to the petitioner on 19.06.2024 to the effect that time has been granted to the accused person to repay the money and they have been issued summon under Section 41-A of Cr.P.C. Another communication was addressed to the petitioner on 22.06.2025 to the similar effect. The petitioner herein had lodged a complaint before the Director General of Police making allegations as against the investigating officer to transfer the investigation to CBCID on 17.08.2025. Based upon his representation, the present petition has been filed seeking to transfer of investigation to CBCID.

(B).Submissions of the counsel appearing on either side:

6.The learned Senior Counsel appearing for the petitioner submitted that right from beginning, the investigation officer was insisting for settling the case and he was sending only summons under Section 41-A of Cr.P.C to the accused person for appearance, despite dismissal of two anticipatory bail application. He had further submitted that the investigating officer was sending communication to the defacto complainant to the effect that they have granted time to the accused persons to repay the amount. Therefore, it is clear that the investigating officer is completely biased towards accused person and therefore, for conducting fair investigation, investigation has to be



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transferred to CBCID.

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7. When the case came up for admission, the learned Government Advocate (Crl.side) appearing for the second respondent had submitted that during enquiry, several documents were sought for from the petitioner and they were not produced and hence, there is no progress in the investigation. This Court had passed an order on 05.03.2026 directing the respondent police to file a status report. On 23.03.2026, a status report was filed by the respondent police wherein it is reflected that 13 documents have been called for from the petitioner and they have not been produced. Therefore, this Court has passed an order on 23.03.2026 directing the defacto complainant to produce all the documents before the Court and the documents were produced before the Court and handed over to police. For reporting progress, the case was adjourned to 15.04.2026 and thereafter, it was adjourned on three occasions for reporting progress.

8. According to the learned Government Advocate (Crl.side), on 29.05.2026 they have issued summons to the defacto complainant to appear on 01.06.2026 and produce five documents. Thereafter, there was no response and hence, they are not able to show any progress in the investigation. According to him, in such circumstances, the investigating agency cannot be found fault with.



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9.The learned Senior Counsel appearing for the defacto complainant, on instructions, submitted that they could only produce the passport and rest of the four documents that are called for in the summon dated 29.05.2026 are available only with the accused person and therefore, they are not in a position to produce the same. The learned Senior Counsel had further submitted that right from inception, the respondent police is only attempting to drag on the proceedings by demanding one document or the other. Even after production of all the documents, no progress has been shown in the investigation. He further stated that the summons has been issued only to the complainant to produce the documents. When it is pointed out that the accused is having the custody of the accounts, no summons has been issued to the accused person to produce the relevant records. Therefore, the investigation may be transferred to CBCID.

10.The learned Senior Counsel appearing for the petitioner had relied upon various summons issued to the defacto complainant on 25.04.2026, 02.05.2026 and 29.05.2026 and submitted that on every occasion either the petitioner or her husband has appeared before the concerned police and produced the documents and therefore, the petitioner cannot be blamed for delaying in the investigation. He had further submitted that the second respondent police is colluding with the accused persons and trying to delay the investigation by seeking one document and other, despite having pointed



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out that these documents are retained by the accused person.

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11.Per contra, the learned counsel appearing for the private respondent/first accused submitted that the parties have entered into dissolution of partnership firm on 10.05.2023 wherein it was agreed that there is no allegation as against the accused person and on receipt of Rs.2,00,000/-, the partnership firm got dissolved and dissolution deed was also notarized.

12.The learned counsel for the accused person further submitted that the petitioner had earlier lodged a complaint before the same respondent and it was closed on 21.09.2023 and thereafter, due to influence of the petitioner, an F.I.R has been registered on 23.12.2023 by the same authority. He further submitted that pending F.I.R, the bank account of the petitioner has been frozen based upon the letter issued by the investigation officer and the same is clearly illegal.

13.The learned counsel for the accused had further submitted that the entire accounts were closed while dissolving the partnership firm and the account books are available only with the petitioner. In such circumstance, he has issued several representations seeking production of certain documents to the petitioner and they have not come forward. He further submitted that after getting relieved from the partnership firm, the fourth respondent has started his own business, only to stop his business, the present complaint has been filed.



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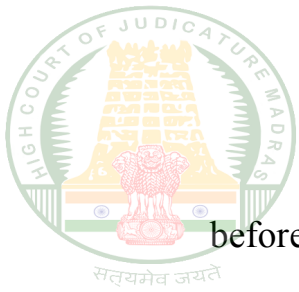
14. Heard the learned counsel appearing on either side and perused the material records.

(C).Discussion:

15. The issue now that arise for consideration is whether investigation pending on the file of the second respondent is liable to be transferred to the third respondent on the allegations and counter allegations made by either parties or not.?

16. The dissolution partnership deed dated 10.05.2023 records that there is no allegation as against the accused person and he had voluntarily retired from partnership firm after receiving a sum of Rs.2,00,000/-. This document is admitted in the complaint lodged before the police which has culminated in filing of the F.I.R in Crime No.28 of 2023. There are allegations and counter allegations on either side that the documents are retained by the accused and the documents are already in the custody of the petitioner. Therefore, it is clear that both the parties have not placed the relevant records before the second respondent police to show progress in the investigation. In such circumstances, the second respondent cannot be found fault with, for not showing progress in the investigation.

17. Admittedly, the second respondent has issued a summon to the petitioner on 29.05.2026 requesting her to produce five documents including a copy of the passport. Even a copy of the passport has not been produced



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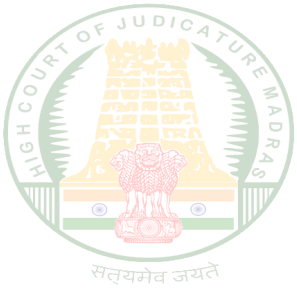
before the police authority so far. The other documents, according to the petitioner, are not available with her and they are available with the accused person. However, the accused denies the same.

18.The allegation in the complaint relates to misappropriation of 4.5/- crores by fabricating the accounts. Unless the account books and documents called for by the second respondent are produced, either by the complainant or by the accused, the police would not be in a position to make progress in the investigation. Therefore, the second respondent cannot be found fault with in not proceeding further. It is true that some of the communications made to the petitioner reveal that the second respondent has made an attempt to compromise the issue by directing the accused person to repay the amount. However, after petitions were filed before this Court and documents were requested for, either parties are not in a position to place the documents.

(D).Conclusion:

19.In such circumstances, this Court is inclined to pass the following order;

a)The second respondent is directed to issue summons to both parties giving them a final chance for production of relevant documents within a period of 10 days from the date of receipt of the copy of this order.



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b)Based upon the documents produced, the second respondent

is directed to file a final report within a period of two months thereafter.

c)With the above said observations, this Criminal Original

Petition stands disposed of.

15.07.2026.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
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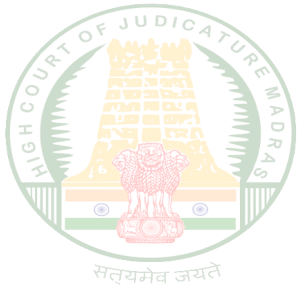
To

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2.The Inspector of Police
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4.The Additional Public Prosecutor
Madurai Bench of Madras High Court
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R.VIJAYAKUMAR, J.

msa

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