IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2016

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.10166 of 2015

1.C.Ramamoorthy

2.A.Felix Devaraj

3.I.A.Bezaliel

4.G.Mohanan ... Petitioners

Vs

1. The Director General of Police,
   Dr. Radhakrishnan Salai,
   Mylapore, Chennai-4.

2. The Director,
   Central Bureau of Investigation,
   New Delhi.

3. Economic Offence Wing,
   SIDCO, Old Corporate Building,
   First Floor, Garment Complex-II,
   Thiru Vi Ka Industrial Estate,
   Guindy, Chennai-32.

4. The Deputy Superintendent of Police,
   Economic Offence Wing,
   EOW-II, Plot No.158,
   Ground Floor,
   IV Cross Street, Anna Nagar,
   Madurai-20. ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent to register the case on the basis of the complaint lodged by the petitioners on 13.4.2016 and to investigate and file a final report within a time frame limit as may be fixed by this Court and in the mean time directing the respondents to file status report about the case pending before him.

For Petitioners : Mr.N.Sivakumar

For Respondents : Mr.K.Srinivasan,
Special Public Prosecutor
for CBI Cases, for R.2
Mr.P.Govindarajan,
Addl. Public Prosecutor,
R.1, R.3 and R.4

ORDER

The present criminal original petition has been filed seeking a direction to the second respondent to register a case on the basis of the complaint lodged by the petitioners on 13.4.2016 and to investigate and file a final report within a time frame limit as may be fixed by this Court and in the mean time, to file status report about the case pending before him.

2. It is the case of the petitioners that they have lodged a complaint to the second respondent on 13.4.2016 as against one Parivar Dairies and Allied Limited and Parivar Dairies and Allied Foundation. The said company is having its registered office at Madhya Pradesh. The said company is collecting money from public under various schemes in Tamil Nadu, in particular in Madhya Pradesh and other States of India, with a promise to pay the money back with higher returns of interest ranging from 10% to 15% along with maturity amount after the expiry of the maturity period. The said company was canvassing for deposits on monthly, quarterly, half yearly and annual basis by issuing brochures and pamphlets with the sign and logo of L.I.C. of India, as if the said company is the agent of Life Insurance Corporation of India, thereby deceiving the public at large as the said company is a corporate agent of LIC. But, the company is not authorized to collect money from the general public by way of deposits as the company is not carrying on any Banking business and no prior permission was obtained from the Reserve Bank of India. The petitioners have invested more than Rs.5,00,000/- with the said company and initially, they were given some amount as dividends and some incentives by way of gift articles. Believing the said act and activities of the accused, the petitioners have also recommended some people to invest with the said company. But, the said company has not returned the maturity amount. Further, the petitioners came to know about the fraudulent motive and the fraud committed by the accused. When the petitioners went to the head office at Madhya Pradesh and various parts of India, they got some documents and based on the said documents, they came to know that in the year 2011 itself, various complaints were lodged against the said

company. Thereafter, the petitioners have also lodged a complaint as against the accused persons on 13.4.2016 before the second respondent. Since no action was taken on the said complaint, the petitioners have come up with the present petition for the relief set out earlier.

3. Learned Special Public Prosecutor for CBI Cases appearing for the second respondent by filing a detailed counter, submitted that in the year 2011 itself, a complaint was lodged against the said company and Public Interest Litigation was also filed before the High Court of Madhya Pradesh and on 5.7.2011. The High Court of Madhya Pradesh ordered CBI to conduct a preliminary investigation about the activities of the company. Accordingly, CBI, Bhopal registered a petition vide PE 0082011S001 dated 21.7.2011 and took up investigation. Further, based on the representations given by the petitioners to various authorities including the Chief Minister of Tamil Nadu, the EOW, Madurai registered a case in Crime No.64 of 2015 dated 5.12.2015 under Sections 406 and 420 I.P.C. and Sections 4 and 6 of Price Chits Funds Act and the EOW-II, Guindy has registered a case in Crime No.2 of 2016. Therefore, since the matter pertains to State, CBI does not have jurisdiction. Thus, he sought for dismissal of the petition.

4. In view of the submission made by the learned Special Public Prosecutor for CBI Cases that already cases have been registered by the Tamil Nadu State Police and further, pursuant to the directions given by the High Court of Madhya Pradesh, the CBI, Bhopal has registered a case and took up enquiry, I am of the opinion, there is no need to give any specific direction in this matter to the second respondent.

5. Hence, based on the statement made in the counter filed by the second respondent as well as the submission made by the learned Special Public Prosecutor for CBI Cases, the criminal original petition is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Director General of Police,
   Dr. Radhakrishnan Salai,
   Mylapore, Chennai-4.

2. The Director,
   Central Bureau of Investigation,
   New Delhi.

3. The Economic Offence Wing,
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   Ground Floor,
   IV Cross Street, Anna Nagar,
   Madurai-20.

5. The Public Prosecutor,
   High Court, Madras.

+1cc to Mr.N.Siva Kumar, Advocate, S.R.No.41555

Crl.O.P.No.10166 of 2016

GJ II(CO)
CA(11/08/2016)