



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.11.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.24292 of 2015

Ravikumar ... Petitioner / Defacto complainant

-Vs-

1.The Superintendent of Police, Karur District, Karur.

2.The Deputy Superintendent of Police,
Crime Branch Criminal Investigation Department,
Karur.

3.The Inspector of Police,
District Crime Branch,
Karur District, Karur.
(Crime No.20 of 2014)

4.Velachi Reddiyar

5.Jegadeesan

6.Manimegalai

7.Rajendran

8.Sekar (Kalalaottu) ... Respondents / Complainants
(R4 to R8 impleaded as per
order of this Court made in
Crl.M.P.(MD)No.888 of 2017
in Crl.O.P.(MD)No.24292 of 2015
dated 27.07.2017.)

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the first respondent to transfer the case in Crime No. 20 of 2014 on the file of the third respondent Police to the second respondent and to set aside the charge sheet in C.C.No.64 of 2015 on the file of the Judicial Magistrate No.II, Kulithalai, Karur District and transfer the case in Crime No. 20 of 2014 to the second respondent and file a fresh charge sheet and to take action against the accused persons by way of attaching the properties of the Accused persons in the interest of justice within the period that may be stipulated by this Court.



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For Petitioner : Mr.N.Madhava Govindan

For Respondents : Mr.A.Ramar,
Additional Public Prosecutor
for R.1 to R.3
: No appearance
for R.4, 5 & 8
: Mr.V.Illanchezian
for R.6 and R.7

O R D E R

This petition is filed for a direction to the first respondent to transfer the case in Crime No. 20 of 2014 on the file of the third respondent Police to the second respondent and to set aside the charge sheet in C.C.No.64 of 2015 on the file of the Judicial Magistrate No.II, Kulithalai, Karur District and transfer the case in Crime No. 20 of 2014 to the second respondent and file a fresh charge sheet so as to ensure attachment of properties of the accused persons under the provisions of TNPID Act.

2.The case of the petitioner is that the private respondents in this case namely the respondents No.4 to 8 have collected several lakhs of Rupees from the petitioner and others under the guise of conducting unauthorized chits. The allegation against the proposed accused is that they have invested the money by buying various properties and that therefore the respondent should proceed against the properties, which were purchased by the accused out of the money swindled by them by conducting the Chit business. The petitioner has also given some particulars about the transactions of the private respondents and contended that they have sufficient money to satisfy the claim of all the subscribers of the Chit.

3.The contention of the learned counsel for the petitioner that the allegations leveled against the private respondents attract the provisions of TNPID Act has no merit. The third respondent has filed a counter affidavit in which it is stated that the complaint against the private individuals do not attract the provisions of TNPID Act as the money which was collected by the private respondents by conducting the Chit business will not attract the term deposit under Sections 2(2) of the TNPID Act. The second respondent has rightly registered the case for the offences under Sections 420 and 506(ii) of I.P.C. r/w 34 of I.P.C. and Section 76 of Tamil Nadu Chit Funds Act 1982. But the provisions of Tamil Nadu Chit Funds Act or other provisions of I.P.C. do not envisage the collection of money and disbursement of money to the persons from whom the money was illegally collected by the proposed accused. Since the charge sheet has also been filed in this case in C.C.No.64 of 2015 on the file of the Judicial Magistrate No.II, Kulithalai, Karur District, this Court is not in a position to entertain this



petition to transfer the investigation at this stage from third respondent to the second respondent.

4.The third respondent has conducted investigation and found all the private respondents guilty of committing the offences and that therefore charge sheet has also been filed. In such circumstances, transfer of investigation is not required and it is not going to give any result. In the result this petition is dismissed. However the learned Judicial Magistrate No.II, Kulithalai, Karur District is directed to complete the trial in C.C.No.64 of 2015 and dispose of the same within a period of three months from the date of receipt of the copy of this order.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate No.II, Kulithalai, Karur District

2.The Superintendent of Police,
Karur District,
Karur.

3.The Deputy Superintendent of Police,
Crime Branch Criminal Investigation Department,
Karur.

4.The Inspector of Police,
District Crime Branch,
Karur District,
Karur.

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

+One cc to M/s.V.Illanchezian, Advocate, SR.No.87403

+One cc to M/s.N.Madhavagovindan, Advocate, SR.No.87216

gsp/TM

RL/8C/3P/SKN/RSK/SAR4/24/11/2017

CRL.O.P. (MD) No.24292 of 2015

14.11.2017