



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2017

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) Nos.4068, 4069, 4471 and 4472 of 2017

Crl.O.P.(MD) Nos.4068, 4471 and 4472 of 2017:

- 1.V.Suriya
- 2.Parthipan
- 3.Jeba Sulthan
- 4.Praburam
- 5.Shakul Hameeth
- 6.Saravanavel Karthikeyan
- 7.Paramasivam
- 8.N.Vignesh
- 9.S.Karpagavalli
- 10.N.Vijayalakshmi
- 11.G.Karthikeyan
- 12.Parveen banu
- 13.Buvaneswaran
- 14.S.Anantheeswari

... Petitioners in
Crl.O.P.(MD) No.4068 of 2017

- 1.K.Srinivasan
- 2.C.Padmavathi
- 3.S.Rajeswari
- 4.V.Valli
- 5.ArulJothi
- 6.K.Kasimalai
- 7.R.Chithra
- 8.A.Shanmugavalli
- 9.M.Nagarajan
- 10.S.Kannan

... Petitioners in
Crl.O.P.(MD) No.4471 of 2017

- 1.S.Asrab Nisha
- 2.T.Mallika
- 3.A.Thangamani
- 4.Kumar
- 5.Seenivasan
- 6.G.Anbarasi
- 7.S.Lakshmi
- 8.A.Swaminathan
- 9.Usharani
- 10.S.Padmanathan
- 11.M.Sasikala
- 12.M.Sivakami

... Petitioners in
Crl.O.P.(MD) No.4472 of 2017



-vs-

1. The Additional Director General of Police,
Economical Offence Wing,
SIDCO,
Co-operative Society Old Building,
1st Floor, Garment Complex II,
Thiru.Ve.Ka.Industrial Estate,
Guindy, Chennai - 32.

2. The Inspector of Police,
Economical Offence Wing,
II Floor, Commercial Tax Office,
Mannar Puram,
Trichy.

3. G.Murugesan
4. Eswari
5. Panchu
6. G.Mahendran
7. B.Manikandan
8. Ananth
9. Manjula
10.Dhivya
11.Murugesan
12.B.Theivajothi

... Respondents

COMMON PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C., praying to issue necessary direction to the 1st and 2nd Respondents to take necessary action against the 3rd to 12th Respondents to recover of properties and deposited amount from the accused based on the complaints dated 23.03.2017, 29.03.2017 and 29.03.2017 respectively pending investigation on the file of the 2nd Respondent and to produce the same before the TANPID Court, Madurai connected in Cr.No.1/2017 on the file of the Respondent Police.

For Petitioners : Mr.S.Gopala Manikandan

For Respondents 1 & 2 : Mr.K.Anbarasan
Government Advocate (Criminal side)

Cr1.O.P. (MD) No.4069 of 2017:

N.Thilagavathi ... Petitioner/Defacto Complainant

-vs-

1.The Inspector of Police,
Economical Offence Wing,
II Floor, Commercial Tax Office,
Mannar Puram,
Trichy.
(Crime No.1 of 2017)

.. 1st Respondent/Complainant



3.G.Murugesan
4.Eswari

.. Respondents 2 & 3/Accused

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to issue necessary direction to the 1st Respondent to expedite the investigation to file final report in Cr.No.1/2017 on the file of the 1st Respondent Police within a stipulated period.

For Petitioner : Mr.S.Gopala Manikandan
For 1st Respondent : Mr.K.Anbarasan
Government Advocate (Criminal side)

COMMON ORDER

On the complaint lodged by Thilagavathi, Inspector of Police, Economic Offence Wing, Trichy registered a case in Crime No.1 of 2017 on 18.02.2017 for offences under Section 5 of Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997 and Sections 406, 420 and 120(b) I.P.C. against one Murugesan and his wife Eswari. The allegations made in the F.I.R. is that the accused were running a Real Estate firm and have collected money from the defacto complainant and various persons and failed to return the same. After the F.I.R. was registered, the other depositors started to give complaints to the police and the police are treating those complaints as statements under Section 161(3) Cr.P.C. While so, the grievance of depositors is that police have not taken sufficient steps to apprehend the accused and attach the properties that were illegally acquired by them. Hence, the petitioners have filed the present petitions with the above said prayers.

2.Heard the learned counsel appearing for the petitioners and the the learned Government Advocate (Criminal side) appearing for the official respondents.

3.In the considered opinion of this Court, such directions under Section 482 Cr.P.C. cannot be given and this Court cannot direct the police to investigate the case in a particular manner.

4.Mr.C.Kannan, Inspector of Police, Trichy EOW II is present. The learned Government Advocate (Criminal side) on instruction submitted that A1 had been arrested and several properties have been identified and steps are being taken by the police to send the proposal to the Government for passing attachment order under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, 1997.

<https://hcservices.ecourts.gov.in/hcservices/>

5.Recording the above submission of the learned Government Advocate (Criminal side), these petitions are closed with a further



direction to the respondent police to conduct a thorough enquiry and take action in accordance with law expeditiously.

Sd/-

Assistant Registrar (Crl.side)

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/True Copy/

Sub Assistant Registrar

To

1.The Additional Director General of Police,
Economical Offence Wing,
SIDCO,
Co-operative Society Old Building,
1st Floor, Garment Complex II,
Thiru.Ve.Ka.Industrial Estate,
Guindy,
Chennai - 32.

2.The Inspector of Police,
Economical Offence Wing,
II Floor,
Commercial Tax Office,
Mannar Puram,
Trichy.

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

+ 4 CC TO Mr.S.GOPALAMANIKANDAN, ADVOCATE IN SR No. 59470, 59471

SJ

TE/KKR/SAR-IV : 20/06/2017 : 4P/8C

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08.06.2017