



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH
Crl.O.P.(MD) No.7892 of 2017

WEB COPY

Karur Vasavi Group of Finance
Depositors Welfare Association
Rep. by its President,
V.Subramanian

... Petitioner

-vs-

1. The Director General of Police,
Mylapore, Chennai.
2. The Inspector General of Police
Economic Offences Wing,
2nd Floor, Housing Board
3rd Main Road, Anna Nagar,
Chennai.
3. The Superintendent of Police
Economic Offences Wing,
Chennai.
4. The Deputy Superintendent of Police
Economic Offence Wing,
Namakkal Circle.
5. The Inspector of Police,
Economic Offences Wing-II
Karur District.
(Crime No.1 of 2002)

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 5th respondent police to further investigate the Cr.No.1 of 2002 based on the representation of the petitioner dated 02.12.2008.

For Petitioner : Mr.T.Senthilkumar

For Respondents : Mr.K.Anbarasan
Govt. Advocate (Crl.Side)

**ORDER**

It is seen that 100's of persons made deposits in Karur Vasavi Group of Finance Companies, numbering about 17. The Companies were not able to return the amount. Therefore, on the complaint given by the depositors, 7 FIRs were registered. In the meantime, in a connected writ petition, it appears that this Court had appointed one Mr.N.Palaniappan, Retired District Judge as Receiver to collect the deposit receipts from the depositors and ensure payment to them.

2. It is the case of the petitioner that several depositors have given their original receipts to Mr.N.Palaniappan, Retired District Judge and that he handed over all the originals to Mr.K.S.Pasupathy, the Managing Director of Vasavi Finance Group, who has been arrayed as A1. In the meantime, the police completed the investigation of the 8 cases and filed 8 chargesheets in C.C.Nos.70, 71,72,73,74,75,76 and 117/2008 before the Special Court for TANPID Cases against Vasavi Group of Companies and others and those cases are pending. According to the petitioner, in the chargesheets filed by the police, the names of the depositors, who had handed over their original receipts to Mr.N.Palaniappan have not been included as prosecution witnesses. Therefore, the depositors have formed an Association and they have filed a petition under Section 482 Cr.P.C. for further investigation to recover the original deposit receipts from Pasupathy.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the State.

4. In the considered opinion of this Court, no directions as prayed for can be granted by this Court under Section 482 Cr.P.C., especially, in the light of the fact that investigation has been completed and chargesheet has been filed. In other words, this Court cannot direct the police to recover the original deposit certificates from Pasupathy, who has also been released on bail and is facing prosecution, as stated above.

5. This Court also bears in mind that in several of these cases, people, who have not even deposited any money, would make a bogus claim, as if they have deposited the amount. In the opinion of this Court, an Association cannot maintain an application under Section 482 Cr.P.C., as it is not a public interest litigation. However, even if the deposit receipts are not available, if the individual depositors could approach the Investigating Officer in-charge of the case and show that he is one of the depositor, his name can be included as additional witness in the prosecution under Section 311 Cr.P.C.



6. With the above observation, this petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To:

1. The Director General of Police,
Mylapore, Chennai.
 2. The Inspector General of Police
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 4. The Deputy Superintendent of Police
Economic Offence Wing,
Namakkal Circle.
 5. The Inspector of Police,
Economic Offences Wing-II,
Karur District
 6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.SENTHILKUMAR, Advocate, SR No. 62119.

RR

PSM/JC/SAR1/07.07.2017/3P/8C

Cr1.O.P. (MD) No. 7892 of 2017
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