



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASHW.P.(MD) No.2015 of 2017 and
WMP(MD)No.1659 of 2017

G.Narayanasamy

... Petitioner

-vs-

1. The Central Bureau of Investigation,
Rep. by its Joint Director and Head of Zone,
III floor, EVK Sampath Building,
College Road, Chennai - 600 006

2. The State represented by
The Inspector of Police,
Economic Offence Wing
First Floor, Multi Storage Building,
Mannarpuram, Trichy - 620 020

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to take up the investigation of the crime No.3 of 2016 on the file of the 2nd respondent and recover the swindled amount of Rs.14,25,75,000/- from the accused in the said crime number and handed over to the petitioner and victims within the time stipulated by this Court.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.T.S.Mohammed Mohideen

Addl. Govt. Pleader for R2

Mr.S.Jeyakumar for R1

Spl. Public Prosecutor for CBI Cases

O R D E R

This writ petition has been filed, seeking a direction to the 1st respondent to take up the investigation of the crime No.3 of 2016 on the file of the 2nd respondent and recover the swindled amount of Rs.14,25,75,000/- from the accused in the said crime number and handed over to the petitioner and victims within the time stipulated by this Court.

2. Heard the learned counsel on either side.

3. On the complaint lodged by one Narayanasamy, the 2nd respondent has registered a case in Crime No.3/2016 under Section 420 IPC and Section 5 of the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act 1997 against the Q



Management and another.

4. It is the case of the de-facto complainant that the accused was running a financial establishment and had collected huge deposits from persons and had not repaid the same. Hence, the FIR. While so, the petitioner/de-facto complainant has filed the present writ petition for the above prayer.

5. In the considered opinion of this Court, investigation of an offence is governed by Chapter XII of the Code of Criminal Procedure and this Court cannot interfere in the matter of investigation and issue direction as to how the investigation should proceed.

6. Under such circumstances, the relief as prayed for cannot be granted. However, the Deputy Superintendent of Police, EOW, is directed to monitor the investigation in Crime No.3/2016 and take necessary steps for securing the interest of the depositors expeditiously.

7. With the above direction, this petition is closed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Central Bureau of Investigation,
Rep. by its Joint Director and Head of Zone,
III floor, EVK Sampath Building,
College Road, Chennai-600 006.
2. The Inspector of Police,
Economic Offence Wing
First Floor, Multi Storage Building,
Mannarpuram, Trichy-620 020
3. The Deputy Superintendent of Police,
Economic Offence Wing,
Trichy-620 020
4. The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC TO Mr.ANANTH C.RAJESH, ADVOCATE IN SR No. 14915

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 14733

RR

TE/SKN-RSK : 03/04/2017 : 2P/7C

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