



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) Nos.17912, 17914, 17915 & 18458 of 2016

1. M.Shanthi ... Petitioner in W.P.(MD)17912/2016
2. T.S.Venkatachala Perumal ...Petitioner in W.P.(MD)17914/2016
3. N.Piranandam ... Petitioner in W.P.(MD)17915/2016
4. R.Nallasivan
5. Tmt.A.Komathy ... Petitioners in W.P.(MD)18458/2016

-vs-

1. The Commissioner of Police,
Palayamkottai, Near Anna Stadium,
Tirunelveli District.
2. The Superintendent of Police,
(Economic Offence Wing),
C-48, 3rd Floor, TNHB Block,
2nd Avenue, Anna Nagar,
Chennai-40.
3. The Inspector of Police,
Economic Offence Wing,
Tirunelveli. ... Respondents in all the Petitions

Prayer in W.P.(MD)17912/2016:Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to initiate an appropriate action on the complaint given by the petitioner dated 29.09.2015 against the Managing Director and Directors of the MATRIX RURAL AND AGRI DEVELOPMENT INDIA LTD and recover the deposited amounts on various form by the petitioner and other investors by registering FIR and conducting an enquiry by invoking the Section 5 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishment Act 1997).

Prayer in W.P.(MD)17914/2016:Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to initiate an appropriate action on the complaint given by the petitioner dated 29.09.2015 against the Managing Director and Directors of the MATRIX RURAL AND AGRI



DEVELOPMENT INDIA LTD and recover the deposited amounts on various form by the petitioner and other investors by registering FIR and conducting an enquiry by invoking the Section 5 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishment Act 1997).

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Prayer in W.P.(MD)17915/2016:Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to initiate an appropriate action on the complaint given by petitioner dated 29.09.2015 against the Managing Director and Directors of the MATRIX RURAL AND AGRI DEVELOPMENT INDIA LTD and recover the deposited amounts on various form by him and other investors by registering FIR and conducting an enquiry by invoking the Section 5 of the Tamil Nadu Protection of Interests of Depositors (in Financial establishment Act 1997).

Prayer in W.P.(MD)18458/2016:Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the Respondents to initiate an appropriate action on the complaint given by the petitioners dated 29.09.2015 against the Managing Director and Directors of the Maratrix Rural and Agri Development India Ltd and recover the deposited amounts on various form by the 1st petitioner and 2nd petitioner by registering FIR and conducting and enquiry by invoking the Section 5 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishment Act 1997).

For Petitioners	: Mr.V.R.Venkatesan
For Respondents	: Mr.T.S.Mohammed Mohideen, Addl. Govt. Pleader

C O M M O N O R D E R

It is the grievance of the petitioners that Matrix Rural and Agri Development India Limited run by one Palanivel Thillaikumar had collected huge deposits from individual persons and had cheated them and that the respondent police are not taking appropriate action against the accused by attaching their properties. Hence, the petitioners have filed these writ petitions with the above prayer.

2. The Inspector of Police, Economic Offence Wing-II, (Finance Institutions), Tirunelveli has filed a Status Report, wherein it is stated that on the complaint given by one Ramasubbu, Tirunelveli Economic Offences Wing-II registered a case in Crime No.2 of 2015 under Sections 406 and 420 IPC and Section 5 of TNPID Act against Matrix Rural and Agri Development India Limited and its Directors Palanivel Thillaikumar, his wife chitra Gowri and his brother-in-law Sivabalan and others on 01.04.2015 and the ~~investigation~~ ^{enquiry} is in progress. In Paragraph No.5 of the Status Reports, it is stated as follows:



"5. It is humbly submitted that in this case so far 1314 complaints have been received from the affected depositors of Tirunelveli, Madurai and Sivagangai Districts for the defraud of Rs.3,97,33,250/- in this case whereas the petitioners who are residing at Tirunelveli City where the Economic Offences wing II unit is located have not come forward to lodge their complaints with the 3rd respondent herein yet. It is submitted that after knowing the fact that the petitioners herein have filed these petitions before this Hon'ble Court, written Summons under section 160 and 91 Cr.P.C. were served to the petitioners herein on 30.09.2016 with instructions to appear at Economic Offence Wing, Tirunelveli on 01.10.2016 at 10.00 hrs with relevant documents to substantiate their complaints. All the petitioners herein had received the summons and appeared at Economic Offence Wing, Tirunelveli as instructed in the summons on 01.10.2016 but they did not prefer any complaint on the guise that the documents (Share Certificates) are with their Advocate. They assured that they would come with their advocate and documents in the next week and lodge their complaints but they did not do so till to-day."

3. When this was brought to the notice of the learned counsel for the petitioners, learned counsel for the petitioners submitted that the Police are asking for the Original Deposit Certificates and therefore, the petitioners are reluctant to hand over the Original Deposit Certificates.

4. In the considered opinion of this Court, the Original Deposit Certificates are essential for framing of charges against accused by the Trial Court in the event of a final report being filed. Therefore, unless the petitioners co-operate with the Police by handing over the Original Deposit Certificates, the petitioners cannot be enlisted as prosecution witnesses by the Police. As regards the prayer of attachment of properties, learned Additional Government Pleader submitted that the Police have identified the properties of the said company and they are in the process of sending a proposal to the Government for initiating attachment proceedings under TNPID Act.

5. In the result, these writ petitions are closed with a direction to the petitioners to co-operate with the Investigating Officer in turn is directed to expeditiously send the proposal to the Government of Tamil Nadu for appropriate



orders. When the Original Deposit Certificates are handed over to the Investigating Officer, the said Officer shall give appropriate receipt to the petitioners for having received the same. No costs.

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/True Copy/

Sd/-

Assistant Registrar(C.O)

Sub-Assistant Registrar

To:

1. The Commissioner of Police,
Palayamkottai, Near Anna Stadium,
Tirunelveli District.
2. The Superintendent of Police,
(Economic Offence Wing),
C-48, 3rd Floor, TNHB Block,
2nd Avenue, Anna Nagar,
Chennai-40.
3. The Inspector of Police,
Economic Offence Wing,
Tirunelveli.

+3ccs to The Special Government Pleader, SR.Nos.52811,52819&52818

+One cc to Mr.VR.Venkatesan, Advocate, SR.No.53021

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RL/8C/4P/RSK/11.5.2017

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