IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2019

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No14403 of 2013

V.Israel ... Petitioner

Vs.

1.The Commissioner of Police,
Chennai City Police,
Office of the Commissioner of Police,
Egmore, Chennai.

2.The Deputy Commissioner of Police,
Central Crime Branch,
Chennai City Poice,
Office of the Commissioner of Police,
Egmore, Chennai.

3.The Inspector of Police,
Central Crime Branch,
Chennai City,
Office of the Commissioner of Police,
Egmore, Chennai.

4.The Director,
Central Bureau of Investigation,
Crime/Economic Offences Wing,
Chennai. ... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation of the complaint dated 25.10.2011 as registered in No.8673/COP/Visitors/ 2011 on the file of the first respondent, pending on the file of the second and third respondent, to the file of the fourth respondent for investigation and further action.

For Petitioner : No appearance

For Respondents: Mr.Hari Hara Arun Soma Sankar
Government Advocate (Crl.Side)

ORDER

Criminal Original Petition filed to transfer the investigation of the complaint dated 25.10.2011 registered in No.8673/COP/ Visitors/2011 on the file of the first respondent, pending on the file of the second and third respondent, to the file of the fourth respondent for investigation and further action.

2.No representation for the petitioner.

3.The contention of the petitioner is that the crime in this case is involving foreign investigation and Interstate investigation with respect to the offence of cheating and fraud, the investigation could well be done by the fifth respondent as laid down under Section 3 of the DSPE Act. If the complaint is not transferred to the fourth respondent for a detailed investigation and bringing the criminals before law, recover the looted amount for returning it to the lawful owners, much prejudice and hardship would be caused to the petitioner and several persons who had been cheated in the name of Church. The petitioner being one of the victim has filed the above Criminal Original Petition.

4.The learned Government Advocate (Criminal Side) appearing for the respondents filed counter affidavit and Status report, wherein he submitted that in this case there are four accused A1 to A4 namely Kirubakaran, Jhon Prabakaran, Suganya-wife of A2 Jhon Prabakaran and Rakhel-wife of A1 Kirubakaran. Initially, the case was registered in T-10 Thirumullaivoyal Police Station in Cr.No.1011/2011 under Section 406, 420 and 506 (i) of the Indian Penal Code by T-10 Thirumullaivoyal Police and the matter was taken up for investigation. Thereafter, the case was transferred to the file of the Inspector of Police, CCB, E.D.F.-III, office of the Commissioner of Police, Egmore, Chennai on 10.05.2012. Totally, in this case more than 25,000 victims have been cheated for a sum of Rs.31,73,36,548/- (Rupees thirty one crore seventy three lakh thirty six thousand five hundred and forty eight only). So far in this case 113 witnesses were examined and their statements were recorded.

5.Further, the respondent police has seized the following materials viz., (i) Maruthi Eco car bearing Registration No.TN-20-BR-1440; (ii) HIM Registration original documents; (iii) Andra Bank Pass Book pertaining to A/c.No.127710100016734; (iv) money counting machine; (v) Nokia Cell phone-1 (Xi Model SIM Nos.9502138130, 9791130338); (vi) HDFC Bank statement pertaining to A/c.No.12901930003415. It is further submitted that the IT Department freezed IDBI Ambattur Branch accounts to the amount of Rs.3,14,22,517/- (Rupees three crore fourteen lakh twenty two thousand five hundred and seventeen only). The majority of the persons who have been cheated belonged to the States of Tamil Nadu, Andhra Pradesh and Karnataka. The Special team carried out investigation and found that the petitioner has played a vital role in Cr.No.1011/2011. It is also found that around 4677 innocent victims have been defrauded by few agent authorised by the petitioner and cheated a sum of Rs.3,40,74,000/- (Rupees three crore forty lakh seventy four thousand only). This petitioner absconded and found abroad and he is to be made as an accused in this case.

6.On perusal of the counter and the materials submitted, this Court finds that the investigation has been going on and at this stage transferring the case from the file of the second and third respondent to the file of the fourth respondent does not arise. Hence, this Criminal Original Petition stands dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Chennai City Police,
Office of the Commissioner of Police,
Egmore, Chennai.

2.The Deputy Commissioner of Police,
Central Crime Branch, Chennai City Police,
Office of the Commissioner of Police,
Egmore, Chennai.

3.The Inspector of Police,
Central Crime Branch, Chennai City,
Office of the Commissioner of Police,
Egmore, Chennai.

4.The Director,
Central Bureau of Investigation,
Crime/Economic Offences Wing,
Chennai.

5.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.14403 of 2013

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srg 9/5/2019