

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 12.06.2019

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.2994 of 2009
and
M.P.Nos.1 and 2 of 2009

R.Ramesh Kumar ... Petitioner

Vs.

- 1.State of Tamil Nadu
Rep by Chief Secretary
Government of Tamil Nadu,
Fort St. George, Chennai - 9.
- 2.State of Tamil Nadu
Rep by Home Secretary
Government of Tamil Nadu
Fort George, Chennai - 9.
- 3.Director General of Police
Dr.S.Radhakrishnan Road,
Mylapore, Chennai - 4.
- 4.The Additional Director General of Police,
CBCID, Guindy, Chennai.
- 5.Mr.Thukkaiaandi
I.G., C.B.C.I.D., Guindy Chennai.
- 6.Mr.Sundareswarapandian
(formerly) Inspector, CBCID,
Guindy, Chennai.
- 7.Mr.Sivasubramaniam,
Sub-Inspector, CBCID,
Guindy, Chennai.
- 8.Mr.Ramanujam,
Constable, CBCID,
Guindy, Chennai.

9.The Director,
Central Bureau of Investigation,
8th Floor, Block.III
C.G.O. Complex,
Lodhi Road, New Delhi-3.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1, 2 and 3 to transfer the investigation of the "Gold Quest multi level marketing scam" to the 9th respondent and give such other directions.

For petitioner .. Mr.B.Rabu Manohar

For R1 to R4 ... Mr.E.Manoharan
Additional Government Pleader.

For R5 .. P.Venkatasubramanian

For R6 to R9 .. No Appearance

ORDER

(Order of the Court was made by S.MANIKUMAR,J)

Mr.R.Ramesh Kumar, a practicing Advocate of the Madras High Court, has filed the instant writ petition, for a Writ of Mandamus, directing the respondents 1 to 3, to transfer investigation of the "Gold Quest multi level marketing scam" to the Director, Central Bureau of Investigation, New Delhi, the 9th respondent herein, and to issue such other directions.

2. It is the case of the petitioner that Gold Quest International Private Limited has defrauded many depositors, the action taken by CBCID, did not yield the desired result, and hence investigation should be transferred to the Director, Central Bureau of Investigation (CBI), New Delhi. Setting out the details of the steps taken by the Inspector of Police, Crime Branch C.I.D., Chennai, a counter affidavit has been filed.

3. Based on the above, Mr.E.Manoharan, learned Additional Government Pleader submitted that as regards the financial irregularities, said to have been committed by Gold Quest International Private Limited, 172 persons have been affected. 172 complaints were received, and 13 FIR's were registered against the said Company. Thereafter, 170 complainants have been compromised by the said company. In respect of remaining 2 complainants, pending on the file the K-4 Sembium Police Station, complainants did not come forward to proceed further. Court closed the said complaints. State preferred an appeal to the High Court, which rejected the same. Settlement pursued

before the Hon'ble Supreme Court, could not succeed later. Thus, the two complaints reached finality.

4. Learned Additional Government Pleader further submitted that Gold Quest International Private Limited, re-entered as, "M/s.Quest Net Enterprises India Private Limited". Complaints have been lodged by the aggrieved persons. Nearly 32,011 complaints have been preferred and after investigation, 10,000 charge sheets have been filed. Here again, talks for the settlement are going on between the complainants and company.

5. Heard the learned counsel for the parties and perused the materials available on record.

6. Perusal of the material on record discloses that when two complaints were closed, State has preferred a writ petition which was allowed, but the decision was reversed on appeal. Gold Quest International Private Limited, preferred an appeal, before the Hon'ble Supreme Court. Vide order, dated 08.09.2014, in Civil Appeal No.8546 of 2014, the Hon'ble Supreme Court, while setting aside the order of the Hon'ble Division Bench order made in W.A.No.1178 of 2005, allowed the civil appeal and thus, the closure of complaints has reached finality. As on today, no matter is pending as against M/s.Quest Net Enterprises India Private Limited. All the complaints are now disposed of and thus, the prayer sought for in the instant writ petition, has become infructuous.

7. In view of the above, writ petition is dismissed. No Costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

1.Chief Secretary
State of Tamil Nadu
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

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2.Home Secretary
State of Tamil Nadu
Government of Tamil Nadu
Fort George, Chennai - 9.

3.Director General of Police
Dr.S.Radhakrishnan Road,
Mylapore, Chennai - 4.

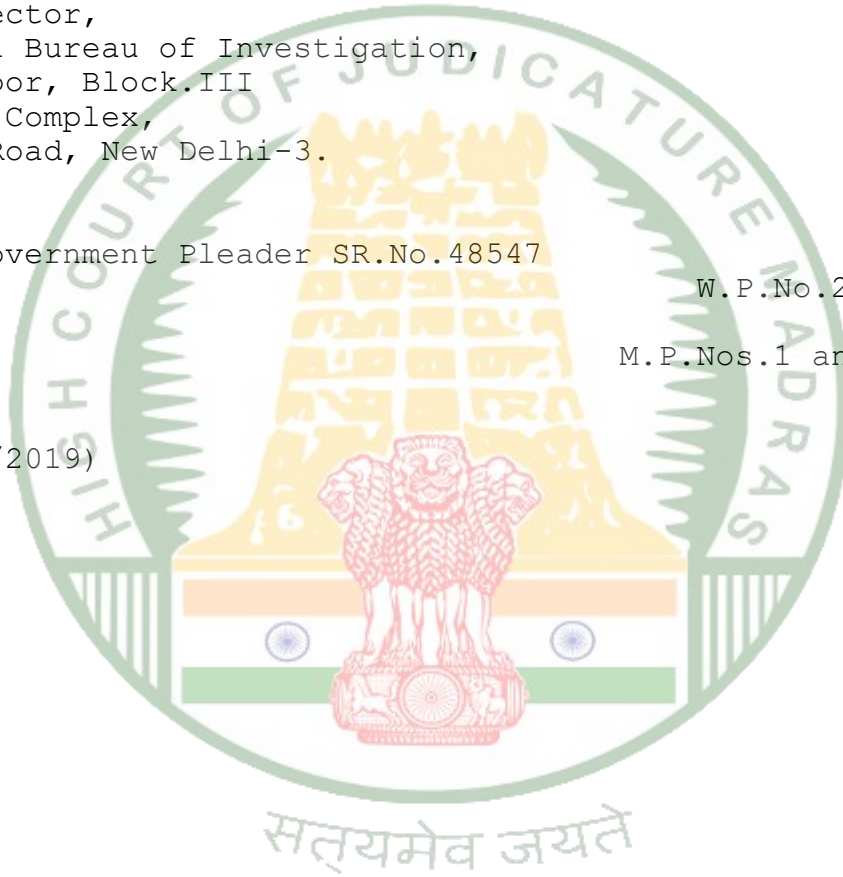
4.The Additional Director General of Police,
CBCID, Guindy, Chennai.

5.The Director,
Central Bureau of Investigation,
8th Floor, Block.III
C.G.O. Complex,
Lodhi Road, New Delhi-3.

+1cc to Government Pleader SR.No.48547

W.P.No.2994 of 2009
and
M.P.Nos.1 and 2 of 2009

CNR (CO)
GMY (22/07/2019)



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