BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.09.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P(MD)No.12784 of 2019

Ganesan ...Petitioner

-Vs-

1.The Director,
Central Bureau of Investigation,
Chennai Zone, E.V.K.Sampath Building,
College Road, Chennai – 06.

2.The Inspector of Police,
Central Bureau of Investigation,
3rd Floor, Shastri Bhavan No.26,
Haddows Road, Nungambakkam,
Chennai – 06.

3.The Inspector of Police,
Economic Officers Wing,
Trichy.(Crime No.2 of 2019)

4.P.Muthuramalingam

5.M.Bharathi ... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent to transfer the investigation in Crime No.2 of 2019 on the file of the third respondent to CBI/respondents 1 and 2.

For Petitioner : Mr.Ashok Athidyan
for V.Maharajan

For Respondents : Mr.A.Natarajan,
State Public Prosecutor
Asst. by Mr.R.Anandharaj,
Additional Public Prosecutor

ORDER

This petition has been filed for transfer of investigation in Crime No.2 of 2019, on the file of the third respondent police to the file of the file of the first respondent herein.

2.The learned counsel for the petitioner would submit that the petitioner is one of the victim in this case. He gave a sum of Rs.4,50,000/- to the accused person, namely, the fourth and fifth respondents under the scheme of multi level marketing. The fourth and fifth respondents are running money laundering business in the name and style of 'Chentoor Fin Corp', at Sivasakthi Towers, Thillai Nagar, 4th Cross Street, Trichy. The accused persons under the guise of doubling the money approached the victims to deposit some amount by giving false promise and the same would be repaid within short period. Therefore, the petitioner deposited a sum of Rs.4,50,000/- to the accused persons and thereafter, found that after collecting money from various victims, they escaped and also they sold out all the properties and also escaped from the clutches of law. Therefore, a complaint was lodged before the third respondent and on receipt of the complaint, a case was registered in Crime No.2 of 2019, for the alleged offence punishable under Sections 406, 420, 120(b) of IPC and Section 5 of TANPID Act, in which, the fourth and fifth respondents are accused Nos.1 and 2.

3.He further submitted that accused persons were not arrested by the investigation agency. The investigation agency have not seized any of the account and property of the accused persons. Therefore, the petitioner filed this petition for transfer of investigation from the file of the third respondent to the file of the first respondent.

4.The learned Government Advocate (Criminal Side) appearing on behalf of the third respondent would submit that on the complaint lodged by the petitioner, a case was registered in Crime No.2 of 2019 on the file of the third respondent for the alleged offence punishable under Sections 406, 420, 120(b) of IPC and Section 5 of TANPID Act. There are two accused in this case. They have filed anticipatory bail petition and the same was dismissed by this Court only today (i.e., 16.09.2019).

5.He further submitted that the fourth and fifth respondents' bank account was already seized and they are taking steps to find out their property. He further submitted that they are received more than 47 complaints from 47 victims and the accused persons have been cheated to the tune of more than one crore. At this stage, if investigation is transferred to the other agency the entire investigation will be stalled and affected.

6.Heard the learned counsel for the petitioner and the learned counsel for the respondent.

7.The petitioner is one of the victim. He deposited a sum of Rs.4,50,000/- to the accused persons. They were arrayed as accused Nos.1 and 2. They were running money laundering business in the name and style of 'Chenthoor Fin Corp', Trichy. They collected a sum of

Rs.1,74,00,000/- from 47 victims. In which, the petitioner is also one of the victim.

8.The learned Government Advocate (Criminal Side) for the fourth and fifth respondents submitted that the fourth and fifth respondents seized the bank accounts of the accused and their application for anticipatory bail was dismissed only today (i.e.16.09.2019) on the ground that they could not able to furnish surety. Therefore, the respondent police yet to be arrested the accused persons. That apart the crime has been registered only on 29.06.2019. Now the investigation is going on by the Deputy Superintendent of Police, Economic Officer Wing, Trichy.

9.At this stage, if the investigation is transferred to the file of other investigating agency, it would be affected the entire investigation. Therefore, the transfer of investigation cannot be granted. Accordingly, this Criminal Original Petition is dismissed.

10.However, the Superintendent of Police, Economic Offences Wing, Chennai, is directed to monitor the investigation done by the third respondent herein and to ensure the third respondent shall investigate the matter properly and take appropriate steps to attach the property belonging to the accused persons.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

das

To

1.The Director,
Central Bureau of Investigation,
Chennai Zone, E.V.K.Sampath Building,
College Road, Chennai - 06.

2.The Inspector of Police,
Central Bureau of Investigation,
3rd Floor, Shastri Bhavan No.26,
Haddows Road, Nungambakkam,
Chennai - 06.

3.The Inspector of Police,
Economic Officers Wing,
Trichy.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:
The Superintendent of Police,
Economic Offences Wing,
Chennai.

+1 CC to M/s.V.MAHARAJAN, Advocate (SR-86793[F] dated 16/09/2019)

Crl.O.P(MD)No.12784 of 2019
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JMN(04.10.2019) 4P : 7C