

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Cr1.OP.No.8032 of 2021

K.Jaiganesh

...Petitioner

Versus

1.The Inspector of Police,  
Economic Offences Wing,  
Erode.

2.The Sub Inspector of Police,  
District Crime Branch,  
Cuddalore.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent not to conduct any enquiry on the complaint lodged by one Silambarasan when the investigation is pending in Crime No.1 of 2021 on the file of the first respondent.

For Petitioner : Mr.R.Ezhilarasan  
For Respondents: Mr.M.Mohamed Riyaz,  
Additional Public Prosecutor

ORDER

The petitioner had received summon from the District Crime Branch, Cuddalore dated 11.11.2019 directing him to appear before District Crime Branch, Cuddalore on 15.04.2021 at 10.00 AM.

2. The contention of the learned counsel for the petitioner is that the petitioner had lodged a complaint against KMG Trading Academy, Sathiyamangalam and against one M.Govindaraj, due to which, a case in Crime No.1 of 2021 was registered for the offences under Section 120B and 420 of IPC and Section 5 of the Protection of Interest of Depositors (in Financial Establishment) Act, 1997. The specific contention is that since the petitioner had already lodged a complaint and the same is registered in Crime No.1 of 2021, he cannot be called for enquiry on the complaint made by one Silambarasan.

3. The learned Additional Public Prosecutor submits that the people who have deposited money have every right to lodge a complaint and cause of action and jurisdiction would be considered by the concerned police. If the complaints are arising from similar matters, to avoid multiplicity of proceedings, it would be clubbed together after getting appropriate orders from the Authorities concerned.

4. Considering the submissions, this Court is of the view that the petitioner cannot absolve himself or avoid to appear before the respondent police for the reason that he had lodged a complaint in Crime No.1 of 2021. Only if the petitioner appears before the respondent police, gives explanation and submits necessary documents, the contention of the petitioner can be ascertained. The petitioner cannot take shelter stating that he has lodged a complaint in Crime No.1 of 2021. In view of the same, the petitioner is directed to appear before the District Crime Branch, Cuddalore in obedience of the summon issued on 11.11.2019. The District Crime Branch, Cuddalore to issue fresh summons to the petitioner. If the petitioner fails to appear as mentioned above, the second respondent is at liberty to take necessary coercive action in accordance with law. Accordingly, this petition is dismissed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

- 1.The Inspector of Police,  
Economic Offences Wing,  
Erode.
- 2.The Sub Inspector of Police,  
District Crime Branch,  
Cuddalore.
- 3.The Public Prosecutor,  
High Court of Madras,  
Chennai.

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SV(CO)  
SP(05/07/2021)