



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2021

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

CRL.O.P.NO.8892 OF 2021

M.J.Sankar

... Petitioner

..Vs..

Union of India
Anti-Corruption Branch(ACB)
Central Bureau of Investigation (CBI)
3rd Floor, Shastri Bhawan,
Nungambakkam, Chennai - 600 034.

... Respondent

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent to register a FIR based on the complaint dated 21.04.2021, investigate the complaint and file a FIR.

For Petitioner : No appearance

For Respondent : Mr.K.Srinivasan
Special Public Prosecutor
(for CBI Cases)

ORDER

This Criminal Original Petition has been filed seeking to direct the respondent to register a FIR based on the complaint dated 21.04.2021.

2.The case of the complainant is that he lodged a complaint dated 21.04.2021 before the DIG-ACB, CBI and thereafter, he approached them to verify about the status of the investigation. His grievance is that he is an informer to the Central Excise and Customs-Service Tax for detecting various anti evasion cases and he is the person, who has informed about the smuggling of imported cars.

3.The petitioner herein has traced one Alex C.Joseph, who was connected with several big shots viz., Chettinad Group, MGM and others in Chennai, and the smuggled cars were parked in the



private parking of one Meena Muthaih, Correspondent of Chettinad Vidyashram. The Correspondent of Chettinad Vidyashram and other connected persons were well aware that the petitioner is the person, who assisted DRI, Chennai in tracing the imported cars and one Alex C. Joseph. Further, the petitioner's son also studying in the school of Chettinad Vidyashram and his son was threatened by the Principal and school teachers, in order to give up the cases lodged as against them. Further, the petitioner's son and wife abandoned him without any valid reason. Hence the petitioner states that the life and limb of his family is in extreme danger and that he is not able to trace either his wife or his son and in order to avenge him, the said school had taken his wife and son away from him. Therefore, he seeks proper investigation in the complaint dated 21.04.2021.

4. The learned Special Public Prosecutor appearing for CBI Cases has produced a letter dated 17.06.2021 in C1/RC.12(A)/13/CBI/ACB/Chennai/2623/2480 by the Central Bureau of Investigation, Anti Corruption Branch, Chennai, and it has been stated as given below:-

"CBI ACB Chennai registered a case in crime No. RC 12(A)/2013 on 20.03.2013, based on source information, against Shri. Murugananthan (A-1), Senior Intelligence Officer, Directorate of Revenue Intelligence, Shri Alex Joseph (A-2), Private individual and unknown public servants and unknown private individuals u/s. 120-B, 420, 467, 468 IPC & 468 r/w 471 IPC and Section 13(2) r/w. 13(1) (d) of PC Act, 1988.

2. On completion of investigation, three separate charge sheets with respect to three imported vehicles viz., TN 09 AK 3999, TN 09 AH 3999 and TN 03 B 0006, were filed before the Hon'ble Principal Special Judge for CBI Cases, Chennai and after allotting CCs No. 09/2014, 10/2014 and 37/2015 the cases were transferred to the Hon'ble XIV Additional Special Judge for CBI Cases, Chennai for trial.

3. The charge sheet in CC No. 09 of 2014 (Vehicle No. TN 09 AK 3999) was filed against Shri Alex C Joseph (A-1), Shri Vijayadeva Bhaskaran Pillai (A-2), Shri Joseph Daniel (A-3), Shri John Bosco (A-4), Shri K Pongiannan (A-5), Shri Shanmugasundaram (A-6), Shri Ramanathan @ Bullet Ramanathan (A-7), Shri Raveendran (A-8), Shri VR Venkatachalam (A-9), M/s TCP Ltd. (A-10), Chennai rep. by its Managing Director Shri VR Venkatachalam, Shri K Vijendra Samuel (A-11) and Four by Four Motors Pvt. Ltd (A-12), rep by its Shri K Vijendra Samuel u/s. 120-B r/w 420, 467, 468, 468 r/w 471 IPC and Section 13(2) r/w 13(1) (d) of PC Act, 1988.

4. The charge sheet in CC No. 10 of 2014 (TN 09 AH 3999) was



filed against Shri Alex C Joseph (A-1), Shri Mohammed Ismail Abdulla @ Ismail KP (A-2), Shri Joseph Daniel (A-3), Shri K Pongiannan (A-4), Shri D Sukumar (A-5), Shri Ramanathan @ Bullet Ramanathan (A-6), Shri Raveendran (A-7), Shri VR Venkatachalam (A-8), M/s TCP Ltd. (A-9), Chennai rep by its Managing Director Shri VR Venkatachalam (A-8) u/s 120-B r/w 420, 467, 468, 468 r/w 471 IPC and Section 13(2) r/w 13(1)(d) of PC Act, 1988.

5.The charge sheet in CC No.37 of 2015(TN 03 B 0006) was filed against Shri Alex C Joseph (A-1), Shri Mohammed Baharuddin (A-2), Shri S Ravi (A-3), Shri MR Surendran (A-4), Shri Ramanathan @ Bullet Ramanathan (A-5) and Shri Raveendran (A-6) u/s 120-B r/w 420 IPC and Section 13(2) r/w 13(1)(d) of PC Act, 1988. During the course of trial, Shri Ramanathan @ Bullet Ramanathan (A-5) and Shri Raveendran (A-6) were taken as approvers and their names have been deleted from the charge sheet.

6.The examination of prosecution witnesses is in progress in all the above three Ccs.

7.The main subject matter of the said letter dated 21.04.2021 of Shri MJ Sankar is that he claims himself to be a whistleblower for several cases of Income Tax Department, DRI, Customs and CBI and he has also mentioned about giving input to DRI in detecting smuggling of high value cars from abroad by manipulation of documents. He has alleged that Shri Alex C Joseph as the main kingpin of the gang who had links with high profile persons of Chettinad Group, MGM and politicians, etc., and claims that Shri Alex C Joseph was identified and located by him for DRI investigation.

8.Shri MJ Sankar further alleges that the Principal of M/s Chettinad Vidhyashram School is threatening him and his father to give up their evidence in the said car cases.

9.It has been ascertained that in RC.12/A/2013 CBI ACB, Chennai, three charge sheets were filed and in none of the charge sheets M/s Chettinad Vidhyashram figures as an accused. Moreover, Shri MJ Sankar has not been cited as a witness in any of the three CCs, hence, the petitioner/Shri MJ Sankar seems to be misleading by giving wrong information. One Shri B Mohan, (said to be father of Shri MJ Sankar) has been cited as a witness in all the above three CCs and in his statement, he has not mentioned about the seizure of vehicles by DRI in the private parking of Correspondent of M/s Chettinad Vidhyashram as alleged by the petitioner Shri MJ Sankar in his letter addressed to CBI dated 21.04.2021. Hence, his contention in the said letter is neither factually correct nor legally sustainable.



10.The main content of the letter is regarding some personal grievance of Shri MJ Sankar pertaining to Chettinad Vidhyashram School, where his son is studying. In view of the grievance expressed by the petitioner Shri MJ Sankar in his letter and the two mails, it is explicit that he has some personal woes with the school, which is not a subject matter fit to be dealt by CBI. Accordingly, letter of Shri MJ Sankar dated 21.04.2021 has been forwarded to the DGP, Tamil Nadu Police for necessary action at their end."

5.In view of the above contentions, nothing survives in this petition and already FIR has been registered as against the persons involved in the said smuggling of cars.

6.Hence, this Criminal Original Petition is disposed of with a direction to the petitioner to approach the DGP, Tamil Nadu Police for further investigation in the complaint dated 21.04.2021.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. Anti-Corruption Branch(ACB)
Central Bureau of Investigation (CBI)
3rd Floor, Shastri Bhawan,
Nungambakkam, Chennai - 600 034.
2. The Special Public Prosecutor,
(For CBI Cases)
High Court of Madras, Chennai.
3. The Director General of Police,
Mylapore, Chennai.

Cr1.O.P.No.8892 of 2021

PMK (CO)
CS/29/07/2021