



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.13629 of 2021

A.Kumutha

... Petitioner

Versus

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Veppery, Chennai-600 007.
- 2.The Deputy Commissioner of Police,
Office of the Deputy Commissioner of Police,
Mylapore,
Chennai.
- 3.The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai-600 085.

4.A.Rekha

5.K.Annasamy

... Respondents

[R4 & R5 are suo-motu impleaded as
per order of this Court, dated
18.08.2021 in Crl.O.P.No.13629 of
2021.]

PRAYER: Criminal Original Petition filed under Section 482 of
the Code of Criminal Procedure, to issue direction directing
the respondents herein to register the case on the
petitioner's complaint dated 19.07.2021 and to investigate the
same in accordance with law.

For Petitioner : Mr.M.Guruprasad

For R1 to R3 : Mr.A.Damodaran,
Additional Public Prosecutor

For R4 & R5 : Mr.J.William Shakespeare
No Appearance

ORDER

This Criminal Original Petition has been filed to direct
the respondents 1 to 3 to register a case on the petitioner's
complaint, dated 19.07.2021.



WEB COPY

2.The petitioner has lodged a complaint to the 3rd respondent Police on 15.07.2021. Despite the complaint disclosing cognizable offence, he did not take any action. Hence, the petitioner sent the same complaint to the 1st respondent on 19.07.2021, but not considered.

3.The learned counsel for the petitioner submitted that the petitioner and several others were lured by the respondents 4 and 5. The respondents 4 and 5 approached the petitioner on the pretext that they were running registered chits for Rs.10,00,000/- and would return the subscription amount without any delay or problem. Based on the representation, Rs.10,00,000/- chit was subscribed by the petitioner and her mother. After completion of the chit period, the respondents 4 and failed to repay the chit amount as promised by them. When the petitioner asked for return of chit amount, the 5th respondent stated that he was working in the 3rd respondent Police Station and nothing can be done to him and no police action can be taken. Again, when the petitioner and other subscribers approached the respondents 4 and 5 for return of chit amount, the respondents 4 and 5 called emergency number 100, made a complaint as though they were abused and assaulted by the petitioner and others and thereby, projected the subscribers of chit as offenders. Later, the petitioner came to know that the 5th respondent was not working in the Police Department and he is only Home Guard attached to the 3rd respondent Police Station. Hence, the petitioner and other subscribers lodged complaints on 15.07.2021 to the 3rd respondent Police and an enquiry was conducted on 16.07.2021. During enquiry, the 3rd respondent Police questioned the petitioner and other subscribers with regard to their source of income and how they were able to subscribe chit for Rs.10,00,000/- and failed to conduct any enquiry against the respondents 4 and 5. In support of the complaint, the petitioner and other subscribers produced their chit book, wherein the receipt of money acknowledged by the respondents 4 and 5 are found, which was not considered by the 3rd respondent. For obvious reasons, the petitioner and other subscribers were projected as offenders by the 3rd respondent Police.

4.The learned counsel further submitted that the respondents 4 and 5 along with Megala, Gomathi, Vijayalakshmi, Nandhini, Sathya and Suriya had formed into group in a deceitful manner and started festival chits and collected huge sums of money from the petitioner and other subscribers. After completion of the chit, they did not return the chit amount to the subscribers and the money was used to purchase several properties in the name of the respondents 4 and 5 and their family members, thereby, cheated and misappropriated the innocent public money. The respondents 4 and 5 are the active persons in the Women Self Help Group in the name of 'Vazhga Valamudan'. The 5th respondent was working as Call Taxi Driver and and also worked as Home Guard in the 3rd respondent Police



Station. Despite the complaints of the subscribers, the 3rd respondent Police failed to take any action against the persons who cheated the amount of the petitioner and several others.

WEB COPY

5. The learned counsel further submitted that the 4th respondent lodged complaints against Sathya, Vijayalakshmi, Gomathi and Nandhini as though the respondents 4 and 5 were threatened and abused by them and C.S.R.Nos.152, 156, 157 & 158 of 2021 were assigned. In this case, the respondents 4 and 5 cheated and misappropriated the chit amount and thereby, owned several properties in their name and family members. The 3rd respondent Police not registered FIR so far against the respondents 4 and 5, despite the complaint disclosing the cognizable offences. Hence, he prayed for appropriate direction of this Court.

6. In support of his submissions, the learned counsel for the petitioner produced the copy of the sale deeds in document Nos.4983 & 4984 of 2019. The properties mentioned in the sale deeds were purchased by the 4th respondent and the said Nanthini using the chit amount of the petitioner and other subscribers.

7. The learned Additional Public Prosecutor appearing for the respondents 1 to 3 submitted that on the complaint of the petitioner and other subscribers, an enquiry was conducted by the 3rd respondent Police. During enquiry, it was found that the 4th respondent in the year 2016 started Women Self Help Group and 12 persons joined in the group and subscription was collected from them. Thereafter, the 4th respondent started unregistered chit and gained confidence from other persons in the locality. In the year 2018, the said Nandhini approached the 4th respondent and requested her to collect and join 100 persons to deepavali chit. Believing the representation, 100 persons joined the deepavali chit at the instance of the 4th respondent. After completion of chit period, the said Nandhini failed to repay the chit amount to the 100 subscribers and thereby, cheated the 4th respondent and other subscribers. During the same year (2018), for Deepavali Gold Fund, the said Nandhini asked the 4th respondent to collect and join 25 persons and the same was done by her. The benefit of the scheme is that after the subscription period, 4 gram gold, 20 gram silver, 3kgs of copper vessels and silver vessels, sweet and crackers would be given to the subscribers. After the chit period, the said Nandhini cheated the 4th respondent and other subscribers in that scheme also. Following the same, in the year 2019, the said Nandhini started 'Atchaya Fund', again the 4th respondent joined 100 persons to this scheme. This time also, the subscribers were cheated. Unable to withstand the pressure exerted by the subscribers, the 4th respondent by pledging her property and her jewels had repaid major amount to the subscribers.



8. In the year 2018, one Gomathi conducted deepavali chit, wherein 50 persons joined at the instance of the petitioner and after completion of the chit period, they were also cheated. Hence, to tide over from the said situation, the 4th respondent started conducting chits in which, the said Nandhini subscribed four chits, the 4th respondent subscribed two, Gomathi three, Vijayalakshmi two, Pushpa four, Leela two, Kumutha one, Pathmini two. Since Gomathi, Nandhini and Vijayalakshmi did not pay their monthly subscription, the other subscribers' chit could not be continued. Once the said amount is collected, the petitioner and her mother will be paid. In this case, the respondents 4 and 5 alone would not be held responsible. The 4th respondent has given statement before the 3rd respondent Police that in total, she has to receive Rs.32,22,433/- from the above persons. The 3rd respondent Police had assigned C.S.R.No.196 of 2021 on 13.07.2021 on the complaint that the petitioner had gone to the house of the 4th respondent and abused and assaulted her. After giving warning, CSR was closed. The 3rd respondent Police admitted that the 4th respondent lodged complaints against Sathya, Rekha, Gomathi and Nandhini and C.S.R.Nos.152, 156, 157 & 158 of 2021 were assigned.

9. This Court considered the rival submissions and perused the materials available on record.

10. It is seen that from the year 2018, the respondents 4 and 5 along with others started various festival chits and Women Self Help Group, collected huge sums of money from various subscribers and not repaid the subscription amount after the completion of the period. In this case, the respondents 4 and 5 and others have collected huge sums of money and cheated several persons. They have also purchased several properties at various places by using the defrauded amount. Hence, there are enough materials to register a case and cognizable offence is made out. Unless the Police register FIR, such illegal act cannot be curtailed. Only by registering FIR and proper investigation, the offence committed by the respondents 4 and 5 in cheating and misappropriating the petitioner and others would come to light.

11. Since most of the victims and accused are women, it would be appropriate that the 2nd respondent preferably to nominate a responsible Women Inspector to investigate the case and file final report.

12. Hence, the 2nd respondent is directed to nominate a responsible Women Inspector to conduct the investigation and file the final report in this case. In the event of positive report, after nomination, the Women Inspector is to register the FIR on the complaint given by the petitioner, conduct investigation and file final report within a stipulated time. The investigation to be monitored by the 2nd respondent to



render justice to the victims, who were cheated by the respondents 4 and 5 and others.

13. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

vv2

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Vepery, Chennai-600 007.
2. The Deputy Commissioner of Police,
Mylapore, Chennai.
3. The Inspector of Police,
J-4, Kotturpuram Police Station,
Chennai-600 085.
4. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.M.Guruprasad, Advocate, S.R.No.54466

CRL.O.P.No.13629 of 2021

GN(18/11/2021)