IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.20395 of 2021

G.S.Hemanth Kumar ...Petitioner/Defacto Complainant

Versus

The State by,
The Inspector of Police,
Central Crime Branch,
EDF-1, Team-1,
Chennai. ...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Respondent to file the final report in the case registered in Crime No.103/2021 on the file of Respondent.

For Petitioner : Mr.R.C.Paul Kanagaraj

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the Respondent to file a final report in the case registered in Crime No.103/2021 on the file of Respondent.

2. The learned counsel appearing for the petitioner submitted that though Crime No.103 of 2021 has been registered against six accused, for the offence punishable under Sections 406, 420 IPC r/w 120b IPC, only one accused was arrested and others were let free. He further submitted that despite the petitioner has submitted the particulars with regard to cheating, misappropriation committed by the accused to the tune of Rs.2.0 crores and the bank particulars and the records available with him, what investigation has been done with regard to the arrested accused and other accused is not known to the petitioner and he is kept at dark. He further submitted that in the status report filed by the respondent, there is no mention with regard to the bank officials or other persons who are involved in the crime. He further submitted that except the statement of the de-facto complainant and his wife no other statement has been recorded.

3.The main grievance of the petitioner is that the respondent police not showing alacrity in the investigation, thereby allow the vital materials and evidence to go off, which ultimately would benefit the accused and therefore it would be appropriate that if the petitioner is called during investigation of the accused so that it would give clarity in the investigation to proceed further without delay. He further apprehends that the prime accused V.L.Narayan had cheated using the name and Company of his family members namely his wife and son, presently V.L.Narayan is employed in a business establishment closely connected to the persons in power and that is the reason in laxity of investigation.

4. The learned Additional Public Prosecutor submitted that investigation is in progress now one Elankumaran/A1 was arrested and is is in police custody and they have to examine one Gowtham-financier and some more witnesses and collect documents like email, watsapp communication between the accused persons and de-facto complainant.

5. Heard both sides. Perused the records.

6.It is not in dispute that one V.L.Narayan, is the kingpin in the entire operation. This person came into contact with the petitioner during 2004, when he was Vice President of M/s.Samsung India Electronics Limited. Thereafter the said V.K.Narayan left the company and joined M/s.Sun Business Solutions Limited,Chennai. When the petitioner relocated to Chennai from Tirupathi, he met V.L.Narayan who inducted the petitioner to part an amount for business development in the existing firm "i2" distribution, in which his wife and friends are partners. , for which the petitioner agreed and MOU's were entered between them and the petitioner paid a sum of Rs.2,60,00,000/- by way of cash and cheque, which carries 2% interest per month as per MOU. Since, the accused has not followed the terms of MOU, the petitioner started demanding repayment of principal and interest. Thereafter, the accused have paid interest of Rs.68,00,000/-, but have not chosen to repay the principal amount along with interest for 4 years amounting to Rs.4,50,00,000/-, for which the petitioner sent various communications. After deliberation, the accused have given post dated cheques which was dishonoured, thereby the accused cheated the petitioner.

7. In view of the same, the Deputy Commissioner of Police, Central Crime Branch, Chennai is directed to monitor the investigation. The petitioner be informed about the progress of investigation, if needed to confront with the accused and others to clarify the doubts and statements of these persons to conduct speedy investigation and the investigation shall not be delayed giving any reasons and the same shall be completed within a period of six months from the date of receipt of a copy of this order.

8. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

arr

To

1.The Inspector of Police,
Central Crime Branch,
EDF-1, Team-1,
Chennai.

2.The Deputy Commissioner of Police,
Central Crime Branch,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.C.Paul Kanagaraj, Advocate SR. No.69875

CRL.O.P.No.20395 of 2021

EV (CO)
PR (11/01/2022)