BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 08.02.2021
DELIVERED ON : 17.02.2021

CORAM :

THE HONOURABLE MRS. JUSTICE R. HEMALATHA

Crl.OP.(MD)No.13469 of 2020 &
Crl.MP(MD)No.6173 of 2020

K.E.Gnanavel Raja ... Petitioner

vs.

1.The State Represented by
The Inspector of Police,
Bazar Police Station,
Ramanathapuram District.
(In Crime No.347 of 2020)

2.The State Represented by
The Inspector of Police,
EOW (Economic Offences Wing),
Madurai, Madurai District.
(In Crime No.2 of 2020)

3.Thulasimanikandan

4.Karpagalili ... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the First Information Report in Crime No.2 of 2020 on the file of the second respondent police and quash the same as illegal as against the present petitioner.

For Petitioner : Mr.J.Sulthan Basha for M/s.Ajmal Associates
For Respondents : Mr.S.Chandrasekar, Additional Public Prosecutor

ORDER

This petition has been filed praying this Court to call for the records relating to the First Information Report in Crime No.347 of 2020 of Bazar Police Station, Ramanadapuram and Crime No.2 of 2020 of Economic Offences Wing, Madurai.

2. Briefly the facts for the purpose of clarity: One Thulasimanikandan, the third respondent and the defato complainant (I) lodged a complaint before the first respondent, Bazar Police Station, Ramanadapuram alleging that while he was working as a Sales

Manager in ICICI Prudential Limited, one Anand, S/o.Chandran (Accused 2) approached him introducing himself as a teacher in Government Primary School at Sayalkudi and also running a Travel Agency in the name and style of ANKEYAN Associates at Sadak Centre, Ramanadapuram. He had also mentioned that along with one Neethimani, a resident of Chennai (Accused 1), he had a financial institution by name Bullion Fintech LLP. Thulasimanikandan believing the words of Anand that investment in his company Bullion Fintech LLP would fetch more interest, collected amounts from his relatives, friends and other public living in Ramanadapuram to invest in the financial institution run by the said Anand and Neethimani. Neethimani along with his wife Menaga (Accused No.3) visited the house of Thulasimanikandan and lured him cash incentives for bringing in deposits. The total amount of money he had mobilised from different sources including his own money was to the tune of Rs.3 Crores within a period of July 2018 - March 2020. The defacto complainant became suspicious when the payment of monthly interest suddenly stopped from October 2019 which made many of the customers making anxious enquiry to him. Unable to tolerate the pressure exerted by all the investors who were also his friends and relatives, the defacto complainant went to Anand's house on 07.06.2020 demanding the settlement of the huge sum of Rs.3 Crores. On reaching Anand's home, the car used by Neethimani was found parked in front of Anand's house and on entering his house he found A1 to A3 together and on confronting them he was asked to come the next day. However, on 09.06.2020 the defacto complainant I along with his uncle and another friend went to Anand's house and overheard A1 to A3 planning to take all the documents, jewellery and cash to Chennai and leave for any foreign country and go into hiding. Again when confronted, the defacto complainant I and others were threatened and verbally abused, due to which they had to make a quick retreat. It was learnt by the defacto complainant that A1 to A3 were involved in hawala transactions and financing film producers namely Muruganandam (A4), 7G Siva (A5) and Studio Green Gnanavel Raja (A6). Apprehending that the accused may give a slip and go into hiding, the defacto complainant I lodged a complaint with the Inspector of Police, Bazar Police Station, Ramnadapuram asking for recovery of the money and also for the threatening and the abusive language used by them against the defacto complainant I. It was also learnt that Neethimani had a film production company in the name of his son which was closely associated with Accused 4 to 6 and therefore all of them were involved in misappropriating huge sums of money from gullible investors under the guise of payment of high interest rates. The Inspector of Police, Bazar Police Station on receipt of their complainant registered First Information Report in Crime No.347 of 2020 for the offences punishable under Sections 406, 420, 294(b) and 506(ii) of Indian Penal Code.

3. Similar complaint was made by one Karpagalilli, a school teacher in Karaikudi alleging that she was deceived by the same A1 to A3 to the tune of Rs.40,00,000/- which was deposited in Bullion

Fintech LLP through Anand (A2) who had promised good returns for the investment stating that Bullion Fintech LLP had overseas connections in construction and other business. The said defacto complainant II ie., Karpagalilli became suspicious when she came to know that the amount of Rs.40,00,000/- was paid as an advance by A1 to A3 for purchase of land in E.C.R., Chennai. This complaint was registered in First Information Report in Crime No.41 of 2020 by the District Crime Branch, Ramanadapuram for the offences punishable under Sections 406 and 420 of Indian Penal Code. Thereafter, the said First Information Report was transferred to Economic Offences Wing and renumbered as Crime No.2 of 2020 of Economic Offences Wing, Madurai for initiating Criminal Proceedings for the offences under Sections 406, 420 and 120(b) of Indian Penal Code and Section 5 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act 1997. First Information Report in Crime Nos.347 of 2020 and 41 of 2020 renumbered as Crime No.2 of 2020 of Economic Offences Wing were sent to TNPID Court, Madurai.

4. The accused 1 was arrested and his confession statement was also recorded by Economic Offences Wing, Madurai. In this backdrop, the veracity of the contents of defacto complainant I regarding the involvement of A4 to A6 is yet to be ascertained. Mr.J.Sulthan Basha, learned counsel for the petitioner / A6 contended that A6 is in no way connected to the financial dealing between A2 and both the defacto complainants. It was also further contended that the inclusion of the name of A6 is not based on any concrete evidence and in such circumstances filing of First Information Report making him as A6 is unlawful and has no basis. However, it can be found that there has been a large network involved in this financial racket and many gullible investors had been taken for a ride by A1 to A3 who had promised for very lucrative profits for the investments made. In my opinion, it is only a tip of an iceberg and unless a freehand is given to the Law Enforcement Agency, the truth will never get exposed especially when the amount involved is running to crores of rupees and the police suspect a huge conspiracy in the financial transactions as is evidenced by the special report of Deputy Superintendant of Police, Ramanadapuram.

5. It is relevant to quote here the reply of the Chief Justice of England who said "The King is under no man but under God and Law" which clearly boils down to supremacy of law. It is also pertinent to mention at this juncture that the victims of this financial scam, two of whom are defacto complainants have no cause or reason to mention the name of A4 to A6 who are definitely unknown to them. Therefore, I find no reason to quash the entire proceedings against A6, especially when the investigation is at the initial stage and may reveal truth or otherwise of the complainants.

6. In the result, the criminal original petition is dismissed. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
Bazar Police Station,
Ramanathapuram District.

2.The Inspector of Police,
EOW (Economic Offences Wing),
Madurai, Madurai District.

3. The Additional Public prosecutor,
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-5555[F] dated 17/02/2021)

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Crl.MP(MD)No.6173 of 2020
17.02.2021

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