



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G. ILANGO VAN**

W.P. (MD) No.18845 of 2020

S.Aravind

...Petitioner

/Vs./

1.The Superintendent of Police,
Tirunelveli,
Tirunelveli District.

2.The Inspector of Police,
Economic Offence Wing (EOW)
Tirunelveli.

3.The Inspector of Police,
City Crime Branch (CCB)
Tirunelveli,
Tirunelveli District.

...Respondents

(R2- Cause title Amended vide Court order
dated 17/6/21 in WP(MD)No.18845 of 2020)

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue Writ of Mandamus, directing the second respondent police to treat the FIRs in Crime Nos.41, 42, 50, 51, 52 & 53 of 2020 on the file of the third respondent police as statements under Section 161 (3) of Cr.P.C in FIR in Crime No.1 of 2020 on the file of the second respondent Police and further direct the first respondent to monitor the Case on the file of the second respondent police.

For Petitioner : Mr.S.Prabu Rajadurai
for V.Manikandan

For Respondents : Mr.R.M.Anbu Nithi,
Additional Public Prosecutor.

ORDER

This petition is filed seeking a direction to direct the second respondent police to treat the FIRs in Crime Nos.41, 42, 50, 51, 52 & 53 of 2020 on the file of the third respondent police as statements under Section 161 (3) of Cr.P.C in FIR in Crime No.1 of 2020, on the file of the second respondent Police and further direct the first respondent to monitor the Case on the file of the second respondent police.

2. The petitioner is the one of the promoters of the Company namely, 'Blue Max Capital Solution Private Limited' having registered address at No.26, Raja Rajeswari Nagar, 1st street,



opposite to New Bus Stand, Palayamkottai, Tirunelveli and it was also registered, as per the Companies Act, 2014. The business of the Company is to provide Online Trading Solutions to the customers through CRM (Customer Relationship Management) software. It sells CRM software in the name and style of "Blue Max Capital" by following the proper rules and the Company has no connection with the decision made by the customers in the course of trade.

3. Due to the recent pandemic situation, the Company faces several loss and also operational issues. So, it was shut down. The customers of the Company claiming to be the depositors of the Company lodged various criminal complaints against the Company as detailed in the petition. After registration of Crime No.1 of 2020 on the file of the second respondent, the Directors, namely, Bharathraj & Subramanian and Gopalakrishnan filed anticipatory bail application before this Court in CrI.OP(MD)No.9901 of 2020 dated 24.09.2020 and it was also allowed with conditions.

4. After that, subsequent First Information Reports have been registered against the petitioners by the third respondent for the same offences. Which are mentioned as FIR Nos.41,42,51,52, 53 and 50. So, if the investigation is continued in all the First Information Reports, then prejudice will be caused to the petitioner and fair investigation must not also be possible. So, all the First Information Reports, mentioned above, clubbed together, along with FIR No.1 of 2020 on the file of the second respondent herein and investigation must be conducted. The First Information Report in Crime No.50 of 2020, on the file of the third respondent has already been transferred to the second respondent for further investigation by the order of this Court, dated 02.12.2020, in CrI.OP(MD)No.13828 of 2020. Hence, this petition.

5. So, only upon the complaint given by the various depositors of the Company, several First Information Reports have been registered against this petitioner by the third respondent and the investigation is going on. Moreover, contradict statements have been made by the petitioner in the petition with regard to the transactions and seeks to pass appropriate orders.

6. Heard both sides.

7. The matter was already reserved for orders. It was re-opened for clarification. In the main petition, the main prayer, on the part of the petitioner is to club all the First Information Reports, that have been registered against the Company, subsequent to FIR No.1 of 2020 and treat the subsequent First Information Reports as statement under Section 161 Cr.P.C. For that purpose, the learned counsel for the petitioner relied upon the various



judgments passed by this Court.

8. But, during the course of re-hearing or clarification hearing, he submitted that he restricts his prayer for transferring the First Information Reports mentioned in this petition to the file of the Inspector of Police, Economic Offence Wing (EOW), Tirunelveli, to investigate along with Crime No.1 of 2020 now pending his file. He would further submit that by mistake, the second respondent name is mentioned as 'The Inspector of Police, Economic Offence Wing, Chennai' instead of the Inspector of Police, Economic Offence Wing (EOW), Tirunelveli. He also seeks order of this Court to amend the cause title, suo-motu.

9. Limited request that has been made in Crime No.50 of 2020 has also been transferred to the Inspector of Police, Economic Offence Wing (EOW), Tirunelveli, by the order dated, 02.12.2020 in CrI.OP(MD)No.13828 of 2020.

10. I am of the considered view that the First Information Reports that have been mentioned in the petition can also be transferred on the same line. So that, conflict of final report can be avoided. So, no prejudice will be caused to the depositors namely, complainant in the above said First Information Reports, on this account.

11. In the result, this writ Petition is allowed with the following directions:-

(i) The FIR Nos.41, 42, 51, 52 & 53 are ordered to be transferred to the Inspector of Police, Economic Offence Wing (EOW), Tirunelveli immediately.

(ii) The second respondent name is amended as 'the Inspector of Police, Economic Offence Wing (EOW), Tirunelveli' instead of 'the Inspector of Police, Economic Offence Wing (EOW), Chennai'.

12. The Registry is directed to carry out the necessary amendment in the main petition and issue order copy. No costs.

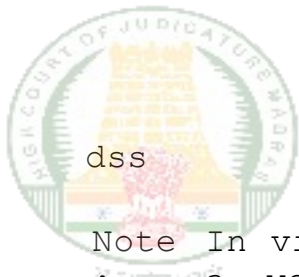
Sd/-

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 Superintendant of Police,
Tirunelveli,
Tirunelveli District.
- 2.The Inspector of Police,
Economic Offence Wing (EOW)
Chennai.
- 3.The Inspector of Police,
City Crime Branch (CCB)
Tirunelveli,
Tirunelveli District.

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