



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.2239 of 2022

and

Crl.M.P.No.1005 of 2022

Prasana Venkatesh Balaji .. Petitioner/ Defacato Complainant

Versus

1. State Rep.by
Inspector of Police
S-15, Selaiyur Police Station
Chennai 600 059.

2. State rep.by
Inspector of Police
Team -20A, EDF-III
Central Crime Branch-II
Chennai.

... Respondents/ Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to transfer the investigation in Crime No.565 of 2021 from the first respondent Police herein to the second respondent to be investigated along with Crime No.108 of 2021.

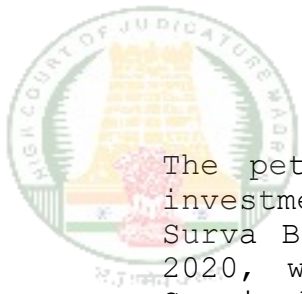
For Petitioner : Mr.Sundermohan
for Mr.K.R.Ramesh Kumar

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

ORDER

This petition has been filed to transfer the investigation in Crime No.565 of 2021 from the first respondent Police to the second respondent and investigate the same along with Crime No.108 of 2021.

2. The grievance of the petitioner is that the petitioner, who is pursuing ACCA at Global FTI, Bangalore, right from his School days evinced interest in doing share trading as his father and other relatives were involved in that business.

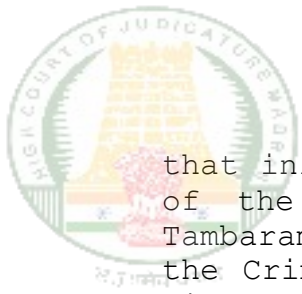


The petitioner used to invest small amounts and through such investments, he made huge profits. The petitioner's friend one Surva Bouman introduced one Adiyen Suresh to him during January 2020, who claimed to be the trustee of "Kovil Kandarai Appan Swamigal Trust" and they had started investing money in share trading. Adiyen Suresh collected money from various persons and made investment in the share market and made profits. Thereafter, investment made by him suffered huge loss. Hence, Adiyen Suresh and few others came to the petitioner's house and threatened him, took him under illegal custody and took away his BMW car bearing Reg.No.TN-14-Y-7966 and Black Colour Benz Car bearing Reg.No.TS-09-ES-4911 and some property documents, gold jewels, silver articles, electronic gadgets, ATM and credit cards, passports of the petitioner. Further, the petitioner was forced to transfer Rs.7 lakhs from his account to some of their individual accounts and obtained signatures in blank stamp papers, pro-notes, cheque leaves and vehicle ownership transfer forms and property documents of two flats purchased in the name of the petitioner and his mother and taken away those documents. Thereafter, the petitioner lodged a complaint before the Inspector of Police, Selaiyur, and a case in Crime No.565 of 2021 was registered on 24.10.2021 against one Adiyen Suresh, Adiyen Ramesh, Auditor Padmini, Maran, Rukmani, Vadivel, Selva and others, for the offence under Sections 294(b), 452, 323, 380, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 67A of Information Technology Act, 2000.

3. Subsequently, the petitioner came to know that one of the accused in his complaint namely, Rukumani's husband Naresh already lodged a complaint against the petitioner and the said Adiyen Suresh, as though they had cheated him and an FIR was registered in Crime No.108 of 2021. On the entire reading of the said complaint, it is seen that there is nothing to show that the petitioner had any interaction with him. Adiyen Suresh under the pretext of doing import and export business collected a huge sum of Rs.1.5 Crores from Naresh and his relatives and made investment. When Naresh Came to know there was a huge loss, he along with Adiyen Suresh and others came to his house and took the cars and documents. Now the petitioner obtained interim custody of the vehicle by way of return of property petition.

4. In view of the same, the petitioner to prove his innocence and to get away from the false complaint and recover the seized articles and documents, it would be appropriate that both the complaints in Crime No.565 of 2021 and 108 of 2021 to be enquired by one and the same investigation officer and investigating agency.

5. The learned Additional Public Prosecutor submits



that initially Crime No.108 of 2021, was under the investigation of the ***CCB** Chennai, Now, it is transferred to the ***CCB**, Tambaram, which falls under Tambaram Commissionerate. As regards the Crime No.565 of 2021, which is pending investigation on the file of the Police of Selaiyur, also falls under Tambaram Commissionerate.

6. Finding that both the place of occurrence falls within the jurisdiction of Tambaram Commissionerate and the questions in Crime No.108 of 2021 to be answered and explained by the offence committed by the accused in Crime No.565 of 2021, it would be appropriate that both the First Information Reports to be investigated by one and the same investigation officer and investigating agency. Further, it is seen that Crime No.108 of 2021 has been transferred to the file of the ***CCB**, Tambaram, this Court feels that it would be appropriate Crime No.565 of 2021 also to be transferred to the file of the ***CCB**, Tambaram and both the First Information Reports are to be investigated by the same officer and file a final report in this case. The investigation would be monitored and supervised by an Assistant Commissioner of Police, ***CCB, Tambaram**

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IX)
14/02/2022

***(Corrected as per order dated
24/02/2022 made herein)**

Sd/-
Assistant Registrar(CS-IX)
04/03/2022

//True Copy//

Sub Assistant Registrar

dna

To

1. The Assistant Commissioner of Police,
***CCB**, Tambaram.
2. The Inspector of Police
S-15, Selaiyur Police Station
Chennai 600 059.

***Corrected to be
substituted for the order
already despatched on
23/02/2022**



3. The Inspector of Police
Team -20A, EDF-III
Central Crime Branch-II, Chennai.

4. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.K.R.Ramesh Kumar,
Advocate, S.R.No.6387

CRL.O.P.No.2239 of 2022and
Crl.M.P.No.1005 of 2022

SPD(CO)
SB(15/02/2022)
CT (04/03/2022)