



W.P.No.32495 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No.32495 of 2022

G.Sumathi

.. Petitioner

-VS-

- 1.The Commissioner of Police,
Chennai City Police Commissionerate,
Vepery, Chennai - 600 037.
- 2.The Additional Deputy Commissioner,
Cyber Crime Police Station,
CCB Vepery,
Chennai - 600 007.
- 3.The Assistant Commissioner of Police,
Kilpauk Police Station,
Kilpauk, Chennai - 600 010.
- 4.The Inspector of Police,
Cyber Crime Police Station-CCB,
Vepery, Chennai-600 007.
- 5.The Deputy Superintendent of Police,
Crime Branch Crime Investigation
Department (CB-CID),
No.3, First Floor,
SIDCO Electronics Complex,
Guindy, Chennai.
- 6.The Branch Manager,
ICICI Bank, Mount Road,
Chennai 600 002.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the first respondent to transfer the investigation on petitioner's complaints dated 02.10.2022, 31.10.2022 and 02.11.2022 from the fourth respondent to the fifth respondent herein or any appropriate officer in CB-CID and give further direction to disburse the money to the tune of Rs.22,74,707/- lying in petitioner's "RERA collection Account" in Account No.603805026903 with sixth respondent bank, after ascertaining the owners of the money by conducting proper investigation.

For Petitioner : Mr.K.P.Suresh Kumar

For Respondents : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

This petition is filed seeking a direction to the first respondent to transfer the investigation on petitioner's complaints dated 02.10.2022, 31.10.2022 and 02.11.2022 from the fourth respondent to the fifth respondent herein or any appropriate officer in CB-CID and give further direction to disburse the money to the tune of Rs.22,74,707/- lying in petitioner's "RERA collection Account" in Account No.603805026903 with sixth respondent bank, after ascertaining the owners of the money by conducting proper investigation.



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2.The learned counsel for the petitioner submitted that the petitioner is the Proprietrix of Universal Infrastructure Development Company, roped in construction activities. As per the provisions of Real Estates Regulatory Authority Act (RERA) 2016, the petitioner had opened the Bank account with the sixth respondent bank, called as 'RERA Collection Account'. When the transaction of the account cannot be permitted without any knowledge and permission of the petitioner, a sum of Rs.8,99,444/- was deposited in her account on 16.12.2020, followed by a sum of Rs.9,78,118 on 11.10.2021, Rs.3,83,623/- on 27.01.2022, Rs.10,00,000/- on 03.09.2022 and Rs.12,74,807/- on 26.09.2022. The learned counsel for the petitioner further submitted that the petitioner has no connection whatsoever with all these amounts and she was not aware as to who has deposited these amounts in her account. On the letter given by her, a sum of Rs.3,83,623/- was reversed to the Bank through which the amount was deposited. Subsequently, without her consent and knowledge, the sum of Rs.8,99,444/- and Rs.9,78,118/- were withdrawn and transferred from her account. Other sums of Rs.10,00,000/- and Rs.12,74,807/- are still available in her account. The learned counsel for the petitioner also submitted that the



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petitioner came to know about the deposit of amount only during October 2022 and therefore, she gave a complaint to the Commissioner of Police through her Personal Assistant one M.S.Murugesan on 31.10.2022. Since the petitioner apprehends that he may be roped in, by some anti social elements in a criminal prosecution by depositing these amounts in her account without her knowledge and consent, the petitioner requires transfer of the investigation on her complaints dated 02.10.2022, 31.10.2022 and 02.11.2022 from the fourth respondent to the fifth respondent herein. Therefore, the learned counsel for the petitioner prays that pending investigation, the aforementioned amounts, available in the petitioner account, be freezed.

3.The learned Government Advocate (Crl. Side) submits that on the basis of the complaint gave by one M.S.Murugesan, the Sub Inspector of Police, Cyber Crime Police Station sent him a letter dated 31.10.2022 stating that the said petition vide C.No.1308/CCB/COP/Visitors/2022 dated 02.10.2022 had already been enquired by the Cyber Crime Police Station, East Zone and that the grievance is not concerned with Cyber Crime Cell, but related to Law and Order. Therefore, he was directed to lodge a complaint at the office of the



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Deputy Commissioner of Police, Kilpauk District for further action.

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4.This Court heard the submissions made on either side and perused the documents available on record.

5.Since the monies are transferred to the account of the petitioner, without her knowledge or consent, this case has to be investigated only by the Cyber Crime Cell for the reason that they have adequate technology and infrastructure to investigate this case. When this case certainly relates to Cyber Crime Cell, it is not known as to how the Sub Inspector of Police, Cyber Crime Police Station comes to the conclusion that the complaint relates to Law and Order Division. Therefore, this Court directs the fourth respondent to investigate the matter on the basis of the petitioner's complaints dated 02.10.2022, 31.10.2022 and 02.11.2022 and pass appropriate orders, in accordance with law and file a report before the Court having jurisdiction. With regard to the freezing of the account, the Investigating Officer is directed to take immediate steps in accordance with law. With the above observation and direction, this writ petition stands disposed of. No costs.

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G.CHANDRASEKHARAN, J.
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To

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