



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.2159 of 2022
and
Crl.M.P. (MD)No.1599 of 2022

Rajkumar Aravind ... Petitioner/Accused No.2
Vs.
1.The State rep. by
The Superintendent of Police,
Tirunelveli District. ... 1st Respondent/Respondent
2.The Inspector of Police,
Economic Offences Wing,
Tirunelveli - 627 002. ... 2nd Respondent/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police to receive the documents from the petitioner and consider the exact amount paid and received by each of the complainants / witnesses in the course of investigation in Crime No.1 of 2020 dated 27.08.2020 on the file of the 2nd respondent police before filing the final report.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side)

O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

2.The petitioner is an accused in Crime No.1 of 2020 registered on the file of the second respondent. The petitioner was running a financial establishment. He had committed default. Therefore, the said case was registered. All that the petitioner now states is that out of 187 complaints, he has settled 91 complaints. The petitioner wants to place the necessary materials before the investigation officer. The petitioner also states that he is willing to settle the claims of the remaining respondents. Therefore, he wants to be associated with the said process. No exception can be taken to the petitioner's request. The petitioner has already given a representation dated 02.12.2021. The representation is as follows:-

<https://hcservices.ecourts.gov.in/hcservices/>



"We are shocked to find that the pending amount as per 161 statement is about Rs.7.5 crores through our clines. Whereas the exact amount in our records is only around Rs.6 crores. We have come to know that many clients in their statements before you have not mentioned their exact amount and manipulated the bank statements to arrive higher amounts to get more money.

In order to avoid such excess payment and excess claims we request you to hear our submissions to be supported with our documents in respect of each of those claim and we would be in position to satisfy you on the exact amount due in order to enable us to be ready for such enquiry and to bring necessary documents you may kindly provide list of claimants and their claims in advance. On such interrogation we would get justice were you can avoid fake and excess claims. We may further request you to interrogate us with reference to each of those claims before filing your final report and you may cross check with the claimants on the basis of our submissions and documents."

3.It has been held in time and again that an accused is also entitled to fair investigation. Therefore, the investigation officer will associate the petitioner fully in the process as sought for by him.

4.This criminal original petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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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 Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Economic Offences Wing,
Tirunelveli - 627 002.

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

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-4043[F]
dated 03/02/2022)

CrI.O.P (MD)No.2159 of 2022
03.02.2022

SR(CO)
GC(15.02.2022) 3P 5C