



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.18432 of 2021

Packiamuthu ... Petitioner/Victim
Vs.

1.The Superintendent of Police,
Kanyakumari District.

2.The Inspector of Police,
District Crime Branch,
Kanyakumari District.

3.Premkumar,
Area Manager,
Muthood Fincorp Ltd,
1 Floor, MCM Buildings,
Chidambarangar Junction,
PSD Road,
Nagercoil,
Kanyakumari District.

4.Esakkimuthu,
Branch Manager,
Muthood Fincorp Ltd,
Alagiapandiapuram Branch,
17/44-6, 7, 8, 9, Balamore Road,
Opp to Mohan Hospital,
Alagiapandiapuram,
Kanyakumari District.

... Respondents/Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 and 2 to conduct fair and proper investigation in Crime No.39 of 2021 on the file of the 2nd respondent with the complaint of the petitioner victim within stipulated time.

For Petitioner : Mr.T.A.Ebenezer
For Respondents : Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R1 & R2.
Mr.Pethu Rajesh for R3.



O R D E R

Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the respondents 1 and 2 and the learned counsel for the third respondent.

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2.The petitioner and his family members claim that they had been remitting deposits with Muthood Fincorp Ltd. According to them, the money was paid within the office premises of Alagiapandiapuram branch to the fourth respondent and that the fourth respondent had also been issuing receipts and renewals periodically. The petitioner would claim that he and his family members have together lost almost Rs.22 Lakhs. Their grievance is that when this was brought to the notice of the third respondent, the third respondent gave a complaint as if only Rs.14 Lakhs was lost by the petitioner. Therefore, the second respondent is directed to obtain further statements under Section 161 of CrPC from the petitioner and his family members. I make it clear that issuance of this direction will not in any way cast any aspersion on the third respondent. The entire act appears to have been done only by the fourth respondent. If the petitioner wants to fix monetary liability on the company management, then the remedy open to the petitioner is before the jurisdictional consumer forum or the concerned **(*)Civil Court**. The petitioner cannot be permitted to utilise the process of criminal law for causing embarrassment to the third respondent, who is the defacto complainant in Crime No.39 of 2021. The second respondent is directed not only to obtain further statements from the petitioner and his family members but also collect all the receipts and final report will be filed based on the materials to be filed by the petitioner. The final report shall be filed within a period of eight weeks from the date of receipt of a copy of this order.

3.This criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-I)

**(*)Corrected as per the vide
Court order dated 18.02.2022
made in CRL OP(MD)No.18432 of 2021**

Sd/-

Assistant Registrar (AE)

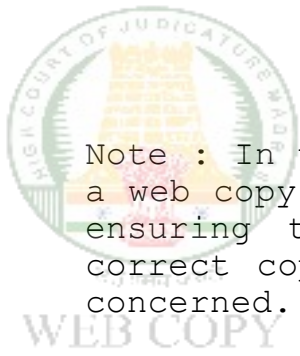
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/ /2022

Sub Assistant Registrar(CS)

ias

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



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:

**(*)To be Substituted the order already despatched
on 02.02.2022**

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Inspector of Police,
District Crime Branch,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.P.PETHU RAJESH, Advocate (SR-1930[F] dated 20/01/2022)
Crl.O.P(MD)No.18432 of 2021
20.01.2022

RK(01.02.2022) 3P 5C
sk(CO)
GC(09.03.2022) 3P 5C