



WEB COPY



Crl.O.P.No.734 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.734 of 2023

1.Durairaj
2.T.Chandra

... Petitioner

Vs.

1.The Commissioner of Police,
Veppery, Chennai

2.The Inspector of Police,
EOW, HQRS (Police),
Chennai.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to implicate the petitioners as a victim under Section 2(wa) of CrPC and obtained statement under Section 161(3) of CrPC before filing charge sheet in the Crime No.12 of 2022 registered by the second respondent police.

For Petitioner : Mr.S.Ramajayam

For Respondent : Mr.S.Santhosh,
Government Advocate (Criminal side)



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ORDER

This Criminal Original Petition has been filed to direct the first respondent to implicate the petitioners as a victim under Section 2(wa) of CrPC and obtain statement under Section 161(3) of CrPC before filing charge sheet in the Crime No.12 of 2022 registered by the second respondent police.

2. The learned counsel for the petitioners submitted that the petitioner invested a sum of Rs.5,00,000/- with Noble Legacy Management Private Limited. In this regard, an Investee-Investor Contract was also executed in the letter pad of the company. Subsequently, the petitioners were also given cheque for a sum of Rs.10,50,000/- in cheque No.000066 by the second accused, Kalaimamani, who is Director of the aforesaid company. The petitioners have not been examined as a witness in this case, so far his material witness and also he was cheated in this case. Therefore, the learned counsel for the petitioners request that the petitioners have to be examined under Section 161(3) of CrPC as witness in this case.

3. The learned Government Advocate (Criminal side) submitted that the case was registered on 27.01.2022 in Crime No.12 of 2022 for the offences under Sections 420 and 120B IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (in financial establishment) Act, 1997. The investigation



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is pending. If the petitioners produced materials in support of their claim on investment with Noble Legacy Management Private Limited, the respondent would take appropriate steps for examining the petitioners as witnesses.

4. Recording the submissions of the learned Government Advocate (Criminal side), this Court directs the petitioners to produce the documents in support of this investment in first accused/company. On production of materials and on being satisfied with the materials, the second respondent is directed to examine the petitioners as one of the witnesses in this case before filing final report and include petitioners as one of the witnesses in the final report.

5. With the above direction, this Criminal Original Petition is disposed of.

12.01.2023

nsa

To

1.The Commissioner of Police,
Veppery, Chennai

2.The Inspector of Police,
EOW, HQRS (Police),
Chennai.



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G.CHANDRASEKHARAN,J.

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