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CrI.O.P.No.498 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.01.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

CrI.O.P.No.498 of 2023

M.S.Ranjith

... Petitioner

Vs.

1.The Superintendent of Police,
Economic Offences Wing (EOW),
Chennai.

2.The Deputy Superintendent of Police,
Economic Offences Wing (EOW),
HQRS - Chennai.
(Crime No.21 of 2022)

3.Nithya

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the first respondent to change the investigation in Crime No.21 of 2022, which is pending on the file of the second respondent to any other competent officer.

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondents : Mr.S.Santhosh for R1 & R2,
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed to direct the first respondent to change the investigation in Crime No.21 of 2022, pending on the file of the second respondent to any other competent officer.

2. The learned counsel for the petitioner submitted that on the basis of the complaint given by the third respondent, FIR in Crime No.21 of 2022 has been registered for the offences under Sections 120B, 409, 420, 109 & 34 of IPC and Section 5 of Tamil Nadu Protection of Interest of Depositors (In financial Establishment) Act 1997 and Sections 21(3), 22, 23, 24 and 25 of The Banning of Unregulated Deposit Scheme Act, 2019. However, till now, no action has been taken to secure the accused. The petitioner made a representation on 19.11.2022 offering to produce all the relevant records related to the money transaction in this case. Till now, the respondent police has not called the petitioner for enquiry. The accused is in Dubai, petitioner had mentioned in his representation that 8 companies had invested their money with the accused and to the knowledge of the petitioner, no investigation was conducted. Hence, the present petition has been filed to transfer the investigation.



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3. The learned Government Advocate (crl.side) appearing for the first and second respondents opposed this petition on the ground that there are about 6,200 investors, who had been cheated to the tune of Rs.700,00,00,000/-. During the course of investigation, accounts of the accused have been freezed. There is an apprehension that the petitioner will be arrayed as one of the main accused, who had collected money from 800 depositors to the tune of Rs.8,00,00,000/-. Investigation in this regard is pending. In order to drag the process of investigation, the petitioner came up with this petition.

4. Considered the rival submissions. It is seen from the submissions made by the learned Government Advocate (crl.side) that investigation in this case is proceeding on the right direction. When it is claimed that the petitioner is one of the main accused, who had collected money to the tune of Rs.8,00,00,000/-, this aspect has to be seriously investigated by the respondents police. Therefore, the Deputy General of Police, Chennai is directed to conduct proper investigation in the case and file the final report as early as possible. Further, this Court is of the view that since investigation in this case is proceeding on the right direction, it is not necessary to transfer the investigation.



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G.CHANDRASEKHARAN,J.

shk

5. With the above direction, this Criminal Original Petition stands dismissed.

10.01.2023

shk

To

- 1.The Superintendent of Police,
Economic Offences Wing (EOW),
Chennai.
- 2.The Deputy Superintendent of Police,
Economic Offences Wing (EOW),
HQRS - Chennai.
3. The Public Prosecutor,
High Court of Madras.

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