



Crl.O.P.No.13606 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

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- 1.S.Sigamani
- 2.N.Nandhakumar
- 3.D.Ezhumalai
- 4.N.Karunamoorthi
- 5.R.Annamalai
- 6.D.Mohanapriya
- 7.J.Sekar
- 8.E.Prakash
- 9.J.Jaya
- 10.S.Sabarinathan
- 11.A.Marimuthu
- 12.G.Manikandan
- 13.S.Dhanaselvi



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14.M.Krishnamurthy

15.V.Suresh

16.M.Thiruneelakandan

17.S.Mangalampigai

18.R.Periyathambi

19.M.Sangeetha

20.M.Mohammed John

21.J.Navas

22.S.Shakila

23.A.Lakshmanasamy

24.D.Pushpanathan

25.M.Nithiyanandham

26.U.Balakrishnan

27.E.Dilliraja

28.G.Sinouvassan

29.K.Srinivasan

30.V.Rajendiran

31.S.Barani



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32.M.Tamizharasi

33.P.Jayapal

34.T.Kuppusamy

35.R.Sivagami

36.R.Purushottaman

37.A.Jakir Hussain

38.K.Rahamed Basha

...Petitioners

Vs.

1.The State rep. By
The Superintendent of Police,
Villupuram District.

2.Inspector of Police,
District Crime Branch,
Villupuram District.
(Crime No.47 of 2022)

...Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C, to direct the 2nd respondent to receive their complaint as a victims and record their statements under Section 161 of Cr.P.C. and proceed accordance with law in Crime No.47 of 2022 on the file of the 2nd respondent Police.

For Petitioner : Mr.Swamisubramanian
For Respondents :Mr.Leonard Arul Joseph Selvam
Government Advocate (crl.side)
(For R1)



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ORDER

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This Criminal Original Petition has been filed to direct the 2nd respondent to receive their complaint as a victims and record their statements under Section 161 of Cr.P.C. and proceed in accordance with law in Crime No.47 of 2022 on the file of the 2nd respondent Police.

2.The learned counsel for the petitioners submitted that First Information Report in Cr.No.47 of 2022 was registered for the offences under Sections 406, 420, 109 and 120B I.P.C. against one Mayakrishnan and 7 others. The allegations from the First Information Report are that the accused named Great India Trading Academy & Great India Marketing Company invited deposits from the general public on the promise of paying double the amount of amount deposited. On that promise, the petitioners had invested huge amount. But the accused without paying the amount promised, cheated the petitioners. Though the First Information Report was registered on 29.12.2022 and despite the complaints given by the petitioners, petitioners are not examined either as complainants or as witnesses, necessitating filing of this petition.



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3.The learned Government Advocate (Criminal side) submitted that witnesses 1, 3, 6, 7, 8, 10, 12, 14, 15, 17, 19, 21, 24, 29, 32, 33, 35 and 36. Of the 38 petitioners, 18 petitioners namely petitioner Nos. 1, 3, 6, 7, 8, 10, 12, 14, 15, 17, 19, 21, 24, 29, 32, 33, 35 and 36 had been examined as witnesses and their statements were recorded under Section 161 Cr.P.C. If other petitioners produce evidence supporting the investment, they would also be examined as witnesses and their statement would be recorded.

4.In view of the submission of learned Government Advocate (Criminal side) that out of 38 petitioners 18 had already been examined as witnesses, the remaining petitioners would be examined, if they produce necessary evidence in support of their investment, this Court directs the remaining petitioners to produce evidence in support of their investment with the accused. On such production of documents, respondent Police is directed to examine them as witnesses and record their statements under Section 161 Cr.P.C.



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5. With the above direction and observation, this Criminal Original

Petition is disposed of.

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Index: Yes/No

Speaking/Non speaking order

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G.CHANDRASEKHARAN, J.

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To

- 1.The State rep. By
The Superintendent of Police,
Villupuram District.
- 2.Inspector of Police,
District Crime Branch,
Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.

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