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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.18400 of 2023

Pavithra

Petitioner

vs.

The State Rep by
1.The Superintendent of Police,
O/o. Superintendent of Police,
Perambalur District.

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

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to transfer the investigation pending on the file of the second respondent in Crime No.2 of 2023 to the EOW at Chennai or any other complaint investigation agency pursuant to the petitioner's representation dated 24.07.2023.

For Petitioner : Mr.R.Thirumoorthy

For Respondents :Mr. A. Damodaran,
Additional Public Prosecutor



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ORDER

This Criminal Original Petition was filed seeking for a direction to transfer the investigation pending before the second respondent In Crime No.2 of 2023 to the EOW.

2. When the matter was taken up for hearing today, a status report has been filed by the Inspector of Police, District Crime Branch, Perambalur District. The relevant paragraphs in the status report are extracted hereunder:

“6. I submit that during the course of investigation, it came to know that A-1 and A-3 were in foreign and thereby issued LOC to A-1 on 02.05.2023. A-5 was arrested on 12.07.2023 and also recorded his confession and released on bail vide Crl.M.P.No.1886 of 2023 dated 20.07.2023. A-2 was arrested on 27.04.2023 and released on bail vide Crl.M.P.No.1659 of 2023 dated 21.06.2023. A-4 got Anticipatory Bail on 07.08.2023 vide Crl.M.P.No.2063 of 2023 dated 07.08.2023, A-7 got Anticipatory Bail on 17.08.2023 vide Crl.M.P.No.2157/2023. A-3 and A-6/accused herein are still absconding.



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7. I submit that based on the complaint given by Pavithra the petitioner herein the Cr.No.2/2023 was registered, but after that many complaints were received from more than 301 people. It came to be known, the amount gained by he accused based on the above complaints received would be more than Rs.1,59,72,85,100/-, after that the section altered at 406, 417, 420 IPC r/s 5 of TNPID Act.

8. I submit that as per the proceedings of the Director General of Police, Tamil Nadu vide RC.No.RA-I(2)/2404643/2022, Dated 21.09.2022, I have transfer the case in Cr.No.02 of 2023 u/s. 406, 417, 420 IPC @ 406, 417, 420 IPC r/w 5 of TNPID Act to EOW for the reason stated that huge amount is involved in this case.

9. I submit that now the petitioner /Defacto complainant filed this present petition before this Hon'ble High Court of Madras to transfer the case in Cr.No.02 of 2023 on the file of the 4th respondent to the EOW Chennai or any other competent investigation agency.

10. I submit that as such now, the above complaints were received by us and the above case file and all the documents concerned were handed over to



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the Director General of Police, Tamil Nadu, Chennai on 08.09.2023. Acknowledgement for the above was enclosed herewith (Rc.No.B1/E-475/IGP/CZ/2023.”

3. In view of the above, the relief sought for by the petitioner has been fulfilled, since the investigation has been transferred to the Economic Offence Wing. It is clear from the status report that nearly 301 complaints have been received and the total amount that has been lost by the victims runs to nearly Rs.160 crores.

4. This case requires an effective investigation to be conducted by the EOW. Hence, there shall be a direction to the Superintendent of Police, Economic Offence Wing, Chennai to monitor the investigation. The EOW shall also take steps to identify the properties of the accused persons and attach the same. All steps have been taken to recover the amount in order to distribute the same to the victims who had lost huge amount of money. The investigation shall be completed as expeditiously as possible.



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

13.09.2023

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order



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To

1.The Superintendent of Police,
O/o. Superintendent of Police,
Perambalur District.

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



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N. ANAND VENKATESH, J.

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