



Crl.O.P(MD)No.4248 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.04.2023

CORAM:

THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD)No.4248 of 2021

and

Crl.M.P(MD)No.2375 of 2021

R.Aravinth

.. Petitioner/Accused No.1

Vs.

1. The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

.. 1st Respondent/Complainant

2. Arivalagan

.. 2nd Respondent/Defacto
Complainant

3.The Deputy Superintendent of Police,
Economic Offences Wing,
Tirunelveli.

.. 3rd Respondent

(R3 is suo-motu Impleaded as per order
of the Court dated 05.04.2023 in
Crl.OP(MD)No.4248 of 2021 by
KKRKJ)



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PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the proceedings in Crime No.355 of 2020 on the file of the 1st respondent police, dated 23.09.2020 and quash the same as against the petitioner herein.

For Petitioner : Mr.G.Mohan Kumar

For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

For R2 : No Appearance

ORDER

The petitioner/A1 has filed this petition to quash the proceedings in Crime No.355 of 2020 wherein he is said to have committed the offence under Section 420 IPC.

2. It is alleged in the FIR that the petitioner is one of the promoter of the Company namely 'Blue Max Capital Solution Private Limited' having registered address at No.26, Raja Rajeswari Nagar, 1st Street, opposite New Bus Stand, Palayamkottai, Tirunelveli and it has number of



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branches in all over Tamilnadu. The said Company received deposits with false promise to repay the amount with huge interest and failed to repay the amount. Hence, a complaint is made by one Arivalagan and on receipt of the same, the respondent police registered the case in Crime No.355 of 2020. Pending the same, the petitioner settled the amount to the said de-facto complainant and also another person in the said crime number. On the basis of the settlement, he seeks for quash the FIR.

3. During the course of hearing, it is brought to the knowledge of this Court that six other cases were registered against the petitioner in the Tirunelveli District in different police stations, apart from this case and also the Inspector of Police, Economic Offences Wing, Tirunelveli, also registered a case in Crime No.1 of 2020. This Court in W.P(MD)No. 18845 of 2020 ordered to transfer all the crime numbers to the Economic Offences Wing and directed to conduct a joint investigation in all the crime numbers and the same was investigated by the Deputy Superintendent of Police, Economic Offences Wing, Tirunelveli. Hence, this Court *suo motu* impleaded the Deputy Superintendent of Police,



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Economic Offences Wing, Tirunelveli, as a party respondent in this petition and directed him to appear in person along with the particulars.

4. Today, in compliance of the earlier direction of this Court, the Deputy Superintendent of Police, Economic Offences Wing, Nagercoil, in-charge of Tirunelveli, Mr.S.Kumaresan, appeared before this Court and filed the report disclosing the following facts.

1	Total Depositors	190
2	Total Amount	Rs.7,84,08,669/-
3	Depositors got Settlement	53
4	Amount	Rs.2,47,12,790/-
5	Depositors yet to be settled	137
6	Value of property identified	Rs.5,36,95,879/-

5. The investigation officer also submitted that they could not complete the investigation since they are receiving more number of complaints for the same crime. At this stage, prayer of the petitioner seeking to quash the FIR is not maintainable.



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6. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

7. It is admitted case of the petitioner as well as the prosecution that number of similar complaints have been received by the third respondent's office as stated above and the third respondent registered those cases in Crime No.1 of 2020 and Crime Nos.41, 42, 50, 51, 52 and 53 of 2020 and the investigation in all the cases is pending. That being the situation, the accused/petitioner filed W.P(MD)No.18845 of 2020 before this Court to club all the cases and the same was allowed by order dated 17.06.2021. It is the submission of the learned Additional Public Prosecutor for the official respondents that number of complaints has been continuously receiving by the law enforcing authorities. Hence, this Court by exercising its inherent power under Section 482 Cr.P.C., transfers the Crime No.355 of 2020 pending on the file of the first respondent police to the Economic Offences Wing, Tirunelveli and directed the Superintendent of Police, Ramanathapuram to transmit the entire records in Crime No. 355 of 2020 on the file of the first respondent to the third respondent



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police, within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of the entire records, the third respondent is directed to conduct investigation after issuing paper publication in widely circulated Newspapers in order to ascertain the number of genuine depositors in all over Tamilnadu and he shall complete the investigation and file the final report within a period of six months from the date of receipt of a copy of this order.

06.04.2023

NCC : Yes/No
Internet: Yes/No
Index : Yes/No
PJJ

To
1.The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
Economic Offences Wing,
Tirunelveli.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN,J.

PJL

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