



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 21/06/2023

**CORAM**

The Hon'ble Mr.Justice **G.ILANGO VAN**

**Cr1.OP(MD)Nos.5373 and 5376 of 2023**  
**and**  
**Cr1.MP(MD)No.4749 of 2023**

**(1)Cr1.OP(MD)No.5373 of 2023:-**

P.Vanjinathan : Petitioner/Accused

Vs.

- 1.The Commissioner of Police,  
Office of the Commissioner of Police,  
Madurai.
- 2.The Deputy Commissioner of Police,  
Office of the Deputy Commissioner of Police,  
Central Crime Branch,  
Madurai.
- 3.The Assistant Commissioner of Police,  
Kovil Range,  
Madurai.
- 4.Mr.Anand,  
The Assistant Commissioner of Police,  
Office of the Assistant Commissioner of Police,  
Central Crime Branch,  
Madurai.
- 5.Mr.Senthil Kumar,  
The Inspector of Police,  
Central Crime Branch,  
Madurai.



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6.Mr.Muthupandi,  
Sub Inspector of Police,  
Central Crime Branch,  
Madurai.

7.Mr.Murugan,  
CD Writer,  
Central Crime Branch,  
Madurai.

8.Mr.Kubendiran,  
Head Constable,  
Central Crime Branch,  
Madurai.

9.Mr.Ranganathan,  
Head Constable,  
Central Crime Branch,  
Madurai.

10.Mrs.Vani,  
Women Head Constable,  
Central Crime Branch,  
Madurai.

11.Mr.Senthamarai Kannan,  
Head Constable,  
Central Crime Branch,  
Madurai.

12.Mr.Ravi : Respondents

**PRAYER:-** Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the 1st respondent herein to transfer the investigation of FIR in Crime No.18 of 2022, other complaints made by the 12th respondent as against the petitioner and his counter complaint, dated 13/02/2023 to the Crime Branch-Crime Investigation Department (CB-CDI), Madurai, or to any other agencies for proper and unbiased investigation and pass such further or other orders.



3

**(2)Cr1.OP(MD)No.5376 of 2023:-**

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P.Vanjinathan

: Petitioner/Accused

Vs.

- 1.The Commissioner of Police,  
Office of the Commissioner of Police,  
Madurai.
- 2.The Deputy Commissioner of Police,  
Office of the Deputy Commissioner of Police,  
Central Crime Branch,  
Madurai.
- 3.The Assistant Commissioner of Police,  
Kovil Range,  
Madurai.
- 4.Mr.Anand,  
The Assistant Commissioner of Police,  
Office of the Assistant Commissioner of Police,  
Central Crime Branch,  
Madurai.
- 5.Mr.Senthil Kumar,  
The Inspector of Police,  
Central Crime Branch,  
Madurai.
- 6.Mr.Muthupandi,  
Sub Inspector of Police,  
Central Crime Branch,  
Madurai.
- 7.Mr.Murugan,  
CD Writer,  
Central Crime Branch,  
Madurai.
- 8.Mr.Kubendiran,  
Head Constable,  
Central Crime Branch,  
Madurai.



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9.Mr.Ranganathan,  
Head Constable,  
Central Crime Branch,  
Madurai.

10.Mrs.Vani,  
Women Head Constable,  
Central Crime Branch,  
Madurai.

11.Mr.Senthamarai Kannan,  
Head Constable,  
Central Crime Branch,  
Madurai.

12.Mr.Ravi : Respondents

**PRAYER:-**Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the respondents 2 to 5 not to harass the petitioner on the basis of the complaint given by the 12th respondent and pass such further or other orders.

For Petitioner : Mr.M.Govindaraju  
(in both cases)

For R1 to R3 : Mr.B.Nambiselvan  
(in both cases) Additional Public Prosecutor

For R12 : Mr.P.Samuel Gunasingh  
(in both cases)

**COMMON ORDER**

**Cr1.OP(MD)No.5373 of 2023** has been filed seeking direction to the 1st respondent to transfer the investigation of the FIR in Crime No.18 of 2022 and other



complaints made by the 12th respondent as against the petitioner and his counter complaint, dated 13/02/2023 to the Crime Branch-Crime Investigation Department (CB-CDI), Madurai or to any other agencies for proper and unbiased investigation, whereas **Cr1.OP(MD)No.5376 of 2023** is filed seeking direction to the respondents 2 to 5 not to harass the petitioner, on the basis of the complaint given by the 12th respondent.

**2.The facts in brief:-**

The petitioner is the permanent resident of Mayiladuthurai, native of Anaikaran Chatiram village and engaged in travel business for about 5 years. He approached one Ravi, who is the 12th respondent herein, when on tour to Singapore. Later, they become friends. He expressed interest in the business and wanted to do the same with him. They become partners in the business and money transactions took place and most of the money transactions took place, when the petitioner was in Singapore. Later, the 12th respondent filed a false complaint against him, his wife namely Krithika and his father S.Prakasam, before the Central Crime Branch,



Madurai, A case was registered in Crime No.18 of 2022, on 08/06/2022 under sections 120-B, 406, 420 and 506(i) IPC. Anticipatory bail was moved before this court in CrI.OP(MD)No.13487 of 2022. They engaged one V.Shanmugasundaram, Advocate for that purpose. On 16/12/2022, when the matter was pending before this court, around 09.45 am, officials, who are mentioned in the petition, attached to the second respondent's office came to his residence and forcibly took him into the custody and he was threatened with dire consequences. At 10.30 am, the police officials took two cars and took him to CCB, Madurai. At about 05.30 pm, they reached the office, where he was threatened and harassed. They also threatened him to admit the charge made by the 12th respondent. But the petitioner refused to comply the demand. The 4th respondent was the close relation of the 12th respondent. He was showing more interest. Since, the petitioner did not comply the demand, he ordered remand. On 16/12/2012, he was admitted to the hospital for medical examination. After that, he again taken to CCB, Madurai. At that time, the 4th respondent told him that he is willing to offer one last chance to save him and his family members. He was also informed that if agrees



<https://www.mhc.tn.gov.in/judis>



have been created under threat and coercion, as stated above, the petitioner and his family members owes only Rs.1.34 Crores to the 12th respondent. The petitioner did not engage any counsel by name Mr.L.Siva. The 4th respondent, who is the relative of the 12th respondent, connived with each other and deceived the petitioner. At the time of making the arrest and investigation, no proper procedure was followed and another Advocate, who is practising in this court is also involved in that issue. The 12th respondent also spent huge money for the above said illegal activity. So, he sent a detailed representation, dated 13/02/2023 to the DGP and other higher official/complainant. That was not properly enquired. Later, the 12th respondent has also lodged two separate complaints, on 23/02/2023 and 28/02/2023 before the separate officials. Subsequent events were also related to Crime No.18 of 2022. So, under these circumstances, he will not get any justice at the hands of the present Investigating Officer. So, the entire investigation must be transferred to CB-CID or any other agency.



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3.**Cr1.OP(MD)No.5376 of 2023** is filed actually on the similar factual situation, directing the respondents 2 to 5 not to harass the petitioner under the guise of enquiry, on the basis of the complaint given by the 12th respondent.

4.Heard both sides.

5.A case of friends turning to foe. Originally, this petitioner and the 12th respondent were business partners. It is admitted by the petitioner himself that several transactions took place between them. Something went out of their control and trouble has arisen between them over the above said money transactions. Now, the 12th respondent namely Ravi lodged a complaint against the petitioner making some allegation, over which, the present FIR has been registered.

6.In this background, this petition has been filed making very many and serious allegation not only against the 12th respondent, but also against the officials attached to the Police Department and not even, the court proceedings are spared.



7. Now let us take up the issue with regard to the court proceedings.

8. It is contended on the side of the petitioner to the effect that everything was stage-managed by the 4th respondent in connivance with the 12th respondent, not only at the time of investigation, but even during the course of the proceedings before the coordinate Bench of this court. When this issue was raised before me, I made strong observation to the effect, as records show, only upon the compromise reached between the parties, the anticipatory bail was heard, the parties were also present before the coordinate Bench, thereafter only the above said order was passed. When the sanctity of the court proceedings is now challenged, certainly, this issue cannot be taken into consideration by this Bench.

9. It is a basic principle that the court proceedings will speak for itself. Record of proceedings will have overriding effect than any reservations. Record of proceedings cannot be challenged. If the petitioner wants to challenge the record of proceedings, he ought to have approached the concerned Bench, which passed the



above said anticipatory bail order, either to recall the same or to delete the portions, which according to the petitioner, were not accepted by him. But that was not done.

10.The learned counsel appearing for the de-facto complainant would submit that only on the basis of the compromise reached between the parties, anticipatory bail was granted, since, the petitioner is not in a position to comply the above said schedule of payment, he is making allegation against every one and even challenges the court proceedings itself.

11.Later, it is seen that the de-facto complainant filed an application to cancel the anticipatory bail in Cr1.MP No.4406 of 2023 on the ground that the conditions were not complied. It was ordered that since, the time limit in the above said order lapsed, the modification petition that was filed by the petitioners 1, 2 and 4 was also returned, there is no necessity to dismiss the anticipatory bail application. It was closed.



12. So the first ground, on which this petition has been filed seeking transfer of investigation is out of place and cannot be taken into consideration at all.

13. Now, we will concentrate only upon some of the allegation that has been made against the 4th respondent and other officials, leaving the allegation that has been made against the Law Officer of this Bench. Because, as mentioned above, only record of proceedings will speak and not the allegation. When the allegation was made by the petitioner against one of the Law Officers of this court, fortunately, he was present at the time of hearing, when the court made enquiry with the above said Law Officer, he has stated that the 12th respondent was his friend and client and he sought his advice over the above said issue stating that the entire matter was also compromised between him and the petitioner herein. The petitioner also called him stating that the matter has been compromised. Except that, he did not involve in the above said process. Who appointed whom for filing the above said petition seeking anticipatory bail also cannot be a matter for consideration by this Bench. As mentioned earlier, he ought to have raised all those issues before



14. Now coming back to the complaint given against this petitioner, it has been stated by the 12th respondent that he promised or invited him stating that bus route along with a bus came up for sale and told him that if money is invested, huge profit can be earned. He also invited that the above said business will be undertaken by his relatives. Similarly, promise was also made by his wife and the petitioner. For that purpose, he obtained loan from Axis Bank to the tune of one Crore. Totally, Rs.1,70,00,000/- was transferred to his account from the account of this petitioner, his wife, father, etc. The complainant was informed by the petitioner that the above said amount was handed over to the owner. Because of the Lock-down period, the above said talk did not finalise. Later, they received Rs.90,00,000/-, on 24/03/2021 from his father, for which, receipt was also issued. But later, they defaulted in complying by fulfilling their promise. Later, in the month of June 2021, he asked him to pay Rs.2,00,00,000/- for





15.This is the subsequent complaint. So, it ought to be properly investigated. Even though, defence has been taken that it is a money transaction between the parties, a thorough investigation is required for the above said matter, since this petitioner disputes, compromise that was reached by him and the 12th respondent before this court. But the fact remains that on going through the entire records, some disturbing features came to the notice. The 12th respondent is repeatedly saying that he is having friends in the Police Department from the lower Cadre to higher Cadre. There is specific allegation to the effect that the 4th respondent is the close relative. Private whatsapp chatting were also undertaken during the course of investigation between the police officials and this petitioner and the 12th respondent herein. So, without going into the allegation, that has been made against the 4th respondent and other police officials, I am of the considered view that the truth must be brought on record by making proper investigation in the above said complaint. When such sort of allegation has been made, that the 4th respondent is related to the 12th respondent, and even though, the Investigating Officer was also present before this court



and has stated that he is involved in the above said compromise talk between the parties, it appears that he made phone calls to the parties. So on the sole ground, I am of the considered view that instead of the present Investigating officer namely Senthilkumar, Inspector of Police, direction may be issued to the first respondent to appoint some other officer.

16. In the facts and circumstances of the case, the first respondent herein is directed to appoint a new Investigating Officer not below the rank of the Assistant Commissioner of Police, who is not related or friendly either to the 12th respondent or the petitioner for the purpose of investigating the matter afresh.

17. Let the investigation be completed by the new officer within a period of five months from the date of receipt of the case file. The first respondent is directed to appoint a new officer within 15 days from the date of receipt of a copy of this order. Consequently, Cr1.OP(MD) No. **5376 of 2023** stands closed.



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18. With the above direction, the petition viz.,  
**Cr1.OP (MD) No. 5373 of 2023** stands **ordered** to the extent  
stated above. Consequently, connected Miscellaneous  
Petition is closed.

21/06/2023

Index: Yes/No  
Internet: Yes/No

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Central Crime Branch,  
Madurai.
5. The Inspector of Police,  
Central Crime Branch,  
Madurai.
6. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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18

G.ILANGOVAN, J

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Cr1.OP (MD) Nos.5373 and 5376 of 2023  
and  
Cr1.MP (MD) No.4749 of 2023

21/06/2023