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WP.(MD)No.23195 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 19/10/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

WP (MD) No.23195 of 2023

Sakthivel

: Petitioner

Vs.

1.The Director General of Police,
Tamil Nadu,
Chennai.

2.The Additional Director General of Police,
Economic Offences Wing (EOW),
Chennai.

3.The Inspector of Police,
Economic Offences Wing-II,
Dindigul.

4.The Deputy Superintendent of Police,
Economic Offences Wing-II,
Dindigul.

5.The Inspector of Police,
District Crime Branch,
Dindigul.

(Crime No.29 of 2021)

: Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 5th respondent to comply with the order of the 1st respondent in Rc No.1864414/Crime 3(1)/2022 and consequently direct the 3rd respondent to complete the investigation and file a final report in Crime No.29 of 2021 on the file of the 5th respondent and pass such further or other orders.



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For Petitioner : Mr.M.Subash Baby
Senior counsel
for Mr.Subash Law Office

For Respondents : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)

O R D E R

This writ petition is filed seeking a direction to the 5th respondent to comply the order of the 1st respondent in Rc No.1864414/Crime 3(1)/2022 and consequently direct the 3rd respondent to complete the investigation and file a final report in Crime No.29 of 2021 on the file of the 5th respondent.

2.The facts in brief:-

The petitioner is facing the charges under sections 406, 420 and 120(B) IPC and section 5 of TNPID Act, 1997 in Crime No.2 of 2014 on the file of the 3rd respondent herein. After completing the investigation, final report was filed, taken cognizance in CC No.17 of 2014. Now it is pending before the Special Court for TNPID Act cases, Madurai.

3.During the above said process, the assets were valued at Rs.2 Crores, but whereas liability is only Rs.1.19 Crores. One Vinayak Seshadri approached the



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petitioner stating that they are lending money to the Financial Institutions in India. They are required only commission amount. So the petitioner started a multipurpose cold storage unit, Rice Mill, Food Processing and Packing Unit, etc., for an amount of Rs.120 Crores. Vinayak Seshadri demanded Rs.2.85 Crores as commission advance. That amount was transferred to the company account. But the loan was delayed by him. Cheque for Rs.2,95,00,000/- even though issued, dishonoured. So he lodged a complaint. A case was registered in Crime No.29 of 2021 for the offences under sections 420 and 409 IPC. The amount cheated by the above said Vinayak Seshadri also belongs to the depositors. So, the case in Crime No.29 of 2021 must be transferred to the 3rd respondent for further investigation.

4. Seeking such relief, he filed CrI.OP(MD)No.18032 of 2022. That was also ordered by this court. Later, it came to know that the Director General of Police, issued a circular, dated 21/09/2022 fixing the lower limit of Rs.3 Crores for the investigation to be undertaken by the Economic Offence Wing. So this petition has been filed seeking a direction to comply the above said order.

5. Heard both sides.



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6.No doubt that by order, dated 09/03/2023, this court directed the 3rd respondent namely the Inspector of Police, Economic Offence Wing-II, Dindigul, to take up the investigation and file a final report in Crime No.29 of 2021 within a period six months. But at that time, it was not informed to this court the lower limit fixed by the Director General of Police, by circular, dated 21/09/2022.

7.Now the learned Government Advocate (Criminal side) would submit that based upon the above said circular only, they could not comply the above said order. Now the investigation has been transferred to the District Crime Branch, Dindigul, as per the order of the Inspector General of Police, Economic Offences Wing, Chennai. It is further submitted that the investigation is almost completed and final report is going to be filed before the concerned court.

8.In view of the above said development, I find no reason to direct again the 3rd respondent herein to take up the investigation. After filing the final report before the concerned court, the petitioner can take further steps to redress his grievance.



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9. With the above said liberty, this writ petition stands **disposed of**. No costs.

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Index: Yes/No
Internet: Yes/No

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To,

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G. ILANGO VAN, J

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