IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.08.2024

Coram:

THE HONOURABLE Dr.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.2963 of 2024

Mr.P.Selvakumar .. Petitioner

Vs.

Special Sub Inspector of Police,
Central Crime Branch,
Coimbatore City. .. Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to transfer the investigation of the case in Crime No.51 of 2023 from the file of the Sub-Inspector of Police, Central Crime Branch, Coimbatore City to the file of Deputy Superintendent of Police, CBI, Coimbatore for further investigation.

For petitioner : Mr.A.Ganesh
For respondent: Mr.S.Udayakumar, Govt. Advocate (Crl. Side)

ORDER

This petition has been filed to transfer the investigation of the case in Crime No.51 of 2023 from the file of the Sub-Inspector of Police, Central Crime Branch, Coimbatore City, to the file of Deputy Superintendent of Police, CBI, Coimbatore for further investigation.

2. The petitioner herein is the de-facto complainant in Crime No.51 of 2023, registered on 04.11.2023 for the alleged offences under Sections 406, 420, 465, 468, 471 and 120-B IPC.

3. The petitioner contends that serious fraud and cheating were committed by accused persons by forging the partnership deed and Bank Cheques. A1 and A2, who are husband and wife, in connivance with A3 and A4 being the Bank Officers of Syndicate Bank, Coimbatore Branch and Indusind Bank respectively, had cheated several Crores of money from the partnership firm. Inspite of the complaint, neither the Bank Accounts was freezed, nor the investigation was conducted in a fair manner and hence, the investigation may be transferred to CBI.

4. Learned Government Advocate (Crl. Side) appearing for the respondent submitted that M/s.Aditya Auto Stores, which is a partnership firm, consisting of the wife of the petitioner, i.e. A1, and the wife of his brother, i.e. A2, as partners and the partnership firm is being run as a family. For about 20 years, the partnership firm has been running and the accused have availed loan from a Bank. The Overdraft facility availed by the petitioner from ING Vysya Bank, was taken over by Syndicate Bank and later by the Indusind Bank. The allegations in the complaint are regarding the retirement deed of the petitioner's wife, i.e. Karthika and the said retirement deed is alleged to be a forged document.

Further, according to the compliant, the Bank Account fund for ING Vysya Bank, was unilaterally transferred to Syndicate Bank and thereafter, transferred to Indusind Bank. In this regard, the Bank Manager has been examined and the alleged Bank Account is "Either or Survive" (E or S) Account. The money was transferred at the request of one of the partners. Regarding the retirement deed, the same has been sent for forensic examination and the report of the forensic laboratory is awaited.

5. Taking note of the fact that the investigation has been taken up and going in a direction, though not effectively, the transfer of investigation at this stage, is not required.

6. The investigating officer concerned, is directed to pursue to get the report of the expert opinion from the forensic laboratory in respect of the disputed document and also examine the other witnesses and complete the investigation within a period of four months from today.

7. With the above observations and directions, this petition is disposed of.

27.08.2024

Index: Yes/no
Speaking Order: Yes/no
Neutral Case Citation: Yes/no
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To

1. Special Sub Inspector of Police,
   Central Crime Branch,
   Coimbatore City.

2. The Public Prosecutor,
   High Court, Madras.

Dr.G.JAYACHANDRAN, J

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