



CrI.O.P.No.5494 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.5494 of 2024

and

CrI.M.P.No.4014 of 2024

Thomas Scaria
S/o.Thomas

... Petitioner

Vs

State represented by
The Superintendent of Police,
Economic Offences Wing II,
Chennai.
Crime No.7 of 2019

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, praying to call for the records in EOW FIR No.07 of 2019 on the file of Deputy Superintendent of Police, Chennai Economic Offences Wing - Headquarters, Chennai District and quash the same.

For Petitioner : Mr.C.Kathirudayan
For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the



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EOW FIR No.07 of 2019 on the file of first respondent/Deputy Superintendent of Police, Chennai Economic Offences Wing - Headquarters, Chennai District.

2. Heard Mr.C.Kathirudayan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. When the matter came up for hearing on 07.03.2024, this Court directed the respondent police to file status report in order to ascertain the nature of allegations against the petitioner, who has been arrayed as A4 in this case. Accordingly, the respondent filed the status report and the relevant portions are extracted hereunder:

"6. It is submitted that, A4 Thomas Scaria has been serving in the accused company since 1996 to 2019 (23 years) as Manager. He played a vital role in the accused company for collecting deposits from the gullible depositors. Co conspirator, Conspired with all the other accused. Giving false representation and false promises. Inducing the poor and innocent customers dishonestly to deposit the money. Most of the depositors already stated that in their 161(3) Cr.PC Statements, he was canvassed in the A1 Company. He is responsible for the business affairs of A1 Company. He was absconded for an 3 years and after collecting sources he has been arrested as on 05.05.2023 at Pazanjur, Poonamallee.



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7) It is submitted that, it is ascertained that the person namely Tmt.Aaniamma Valsa Cherian, mother of A2 Sujith Cherian and A3 Sunil Cherian and Tmt. Dhanya Sujith, wife of A2 Sujith Cherian had played important roles in inviting deposits from the depositors with the connivance of other accused. Therefore, the names of Tmt.Aaniamma Valso Cherian and Tmt. Dhanya Sunith have been included as accused A5 and A6 in this case respectively.

8) It is submitted that, the Competent Authority/District Revenue Officer, Chennai had conducted joint inspection of the immovable properties viz.

<i>S.No.</i>	<i>Nature of Property</i>	<i>Extent</i>	<i>Worth/Value</i>
1	Immovable Property (House)	8200 sq.ft. at No.39, old No.50, Sterling Road, Nungambakkam, Chennai - 34. (Bank Mortgage with Karur Vysya Bank)	worth about Rs.15 Crores
2	Immovable Property (House)	building No.67/153, Luz Church Road, Mylapore, Chennai-4 (Bank Mortgage with Kotak Mahindra Bank)	worth about Rs.10 Crores
3	Immovable Property (Land)	92 cents in Survey No.415/A, 1A of Sholinganallur Village, Old Mahabalipuram, Chennai (Land acquisitioned by TNHB)	worth about Rs.7.5 Crores.

9) It is further submitted that So far, 800 depositors have been examined with recording of their 161(3) statements and collection of documents pertaining to their deposits made in the shop A1 M/s.Kerala Fashion Jewellery Gold & Diamonds Pvt. Ltd.

10) It is submitted that the case is under investigation and shortly will file final report before the competent court against A1 to A6 soon Final Report will be submitted before Hon'ble TNPID court Chennai."



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N.ANAND VENKATESH, J

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4. In view of the above, there is no question of interfering with the investigation at this stage and there shall be a direction to the respondent to complete the investigation and file the final report within a period of three (3) months.

This criminal original petition is disposed of with the above direction.

Consequently, connected miscellaneous petition is closed.

21.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
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To
1. The Superintendent of Police,
Economic Offences Wing II,
Chennai.
Crime No.7 of 2019

2. The Public Prosecutor,
High Court, Madras.

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