



Crl.O.P.No.6806 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:04.04.2024

Coram

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.6806 of 2024

Murugan

.. Petitioner

/versus/

1.State rep.by
The Inspector of Police,
District Crime Branch,
Villupuram District
(Crime No.47 of 2022)
2.Mannulingam

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records pertaining to the Crime No.47 of 2022 on the file of the 1st respondent police and quash the case as far as it relates to this petitioner alone.

For Petitioner :Mr.M.Gnanasekar

For Respondents :Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)
for R1



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ORDER

This Criminal Original Petition filed to quash the complaint under investigation in Crime No.47 of 2022 on the file of the District Crime Branch,Villupuram.

2. When the matter came up for previous hearing, this Court has passed the following orders:-

“Learned Additional Public Prosecutor on instructions submitted that the investigation is now transferred to the EOW, since the total amount involved in this case is more than Rs.3,00,00,000/-(Rupees three crores only).

2.A report shall be filed before this Court and based on the same, furthe orders will be passed in this petition.

3.Post the case under the same caption on 03.04.2024.”

3. Today, the learned counsel appearing for the petitioner states that the Superintendent of Police, Villupuram District, has addressed the Director General of Police, Chennai, for transfer of investigation to EOW, since the gravity of the crime, *prima faciely*, appears to be crossed more than Rs.85 crores. It is the case where nearly 7457 persons been cheated by promising and



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alluring returns for their investment. Sofar the investigation discloses that about a sum of Rs.85 crores been cheated from the investors.

4. The learned counsel appearing for the petitioner pointing out certain factual aspects wants to quash the complaint relying upon the judgment of *Bhajan Lal case*, wherein the Hon'ble Apex Court held that where the uncontroverted allegations made in FIR or complaint and the evidence collected in support of the same do not disclose the commission of any offence make out a case against the accused. Hence, the case in Crime No.47 of 2022 has to be quashed.

5. This dictum will not be applied to the present case in hand, since the matter show that thousands of investors have been cheated, and furthermore, only on completion of investigation and filing of the final report it will give a clear picture of whether the statements of the witnesses and the evidence collected will make out the case for taking cognizance or not. Therefore, the petition to quash the case in Crime No.47 of 2022 cannot be entertained. Hence, this Criminal Original Petition is dismissed.

04.04.2024



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Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

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To:

The Inspector of Police,
District Crime Branch,
Villupuram District



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DR.G.JAYACHANDRAN,J.

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