



WEB COPY



Crl.R.C.No.1404 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1404 of 2024

Dinesh Kumar

... Petitioner

Vs.

The State rep. By
The Inspector of Police,
Central Crime Branch,
EDF-I, Team-1, Vepery,
Chennai.

... Respondent

PRAYER: Criminal Revision Petition filed under Sections 438 r/w. 442 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to set aside the order dated 06.10.2023 made in Crl.M.P.No.34095 of 2023 on the file of the Metropolitan Magistrate for CBCID & CCB Cases, Egmore.

For Petitioner : Mr.J.William Shakesphere

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor



Crl.R.C.No.1404 of 2024

ORDER

WEB COPY

The petitioner lodged a complaint to the respondent police, who failed to take any action, thereafter filed a petition under Section 156(3) Cr.P.C. before the learned Metropolitan Magistrate for CBCID & CCB Cases, Egmore in Crl.M.P.No.34095 of 2023 and the Trial Court by order dated 06.10.2023 dismissed the same. Against which, the present revision petition is filed.

2.The contention of the learned counsel for the petitioner is that the petitioner/complainant is running a mobile service shop in the name of J.K.Communication at Richi Street, Anna Salai, Chennai for the past nine years. One Kunal A.Shah is running a mobile shop at Dr.Azhagappa Street, Purasawalkam in the name of Mobile Factory and since they were in the similar business, they came in contact and they knew each other. In the year 2018, they became close to each other. The said Kunal A.Shah informed the petitioner that he is doing online trading business, which is yielding good profit and benefit and hence forced the petitioner to get involved in the online business. At the instance of Kunal A.Shah, the



petitioner had discussion with one Anil Bandrai and Sindu Soni who also confirmed the projection and representation of Kunal A.Shah. All of them claimed that they have earned more than Rs.5 Crores through the online business and induced the petitioner to make investment in the online trading. The petitioner on 29.10.2018 paid Rs.8,00,000/- and to gain confidence, the above said persons immediately returned the amount of Rs.9,00,000/- to the petitioner, showing Rs.1,00,000/- profit. Thereafter, the petitioner joined Kunal A.Shah's friends Sanjay, Rahil, Prasanth, Paras and had been in the business. The petitioner collected money from this friends and through the petitioner, his friends invested Rs.1.82 Crores. Finally, the above said persons cheated him and whenever the petitioner approached them seeking return of money, he was threatened. The said Kunal A.Shah and his friends were dropping big history sheeted rowdies name and threatened the petitioner. Further, using the name of Advocate's office as a cover up to their business and they are continuing with the illegal activities. The petitioner was also threatened but the Lower Court dismissed the petitioner stating that the petitioner unable to produce any materials.



WEB COPY

3.The learned Additional Public Prosecutor filed a countered on similar lines and submitted that enquiry was conducted, the petitioner unable to produce any materials to show that the petitioner had business dealing with Kunal A.Shah @ Rocky and no documents produced. He would submit that in the event of the petitioner producing any tangible materials, purposeful enquiry and investigation can be conducted. The petitioner has been making wild allegations without any materials and hence, the respondent police are not in a position to act in this regard.

4.The learned counsel for the petitioner today produced a pendrive and printout showing functioning of shop by the said Kunal A.Shah in the name of Mobile Factory, various whatsapp messages between the petitioner and Kunal A.Shah, 24/7 Law Firm name board of the persons involved in the business, who are having office at No.16, Heera Panna Complex, Waltax Road, Chennai. Further, the petitioner also produced a photograph in the typed set of papers. The petitioner undertakes to produce these documents, his mobile phone and pendrive to the respondent police.



Crl.R.C.No.1404 of 2024

WEB COPY

5.Considering the submissions made, the petitioner is directed to produce all the documents, his mobile phone and pendrive to the respondent police, who shall verify the same and if required, by conducting enquiry and investigate in this case. The respondent police is directed to complete the enquiry as expeditiously as possible with alacrity so that the offenders given leave way to escape from the misdeeds.

6.Accordingly, the Criminal Revision Petition stands dismissed.
Consequently, connected miscellaneous petition is closed.

30.08.2024

Index:Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
cse



WEB COPY



Crl.R.C.No.1404 of 2024

M.NIRMAL KUMAR, J.

cse

To

- 1.The Inspector of Police,
Central Crime Branch,
EDF-I, Team-1, Vepery,
Chennai.
- 2.The Metropolitan Magistrate for CBCID
& CCB Cases,
Egmore.
- 3.The Public Prosecutor,
High Court, Madras.

Crl.R.C.No.1404 of 2024

30.08.2024