



WP(MD)No10894 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **18.01.2024**

CORAM:

THE HONOURABLE Mrs. JUSTICE R. HEMALATHA

W.P.(MD) No.10894 of 2020

and

W.M.P.(MD) Nos.9572 of 2020 and 16782 of 2023

P.Pradeep Chakravarthi

... Petitioner

/vs./

- 1.The State of Tamilnadu,
represented by the Chief Secretary to Govt.of Tamilnadu,
Secretariat,
St.George Fort,
Chennai 600 009.
- 2.The Principal Secretary to Govt.of Tamilnadu,
Revenue and Disaster Management Department,
Secretariat,
St.George Fort,
Chennai 600 009.
- 3.The Principal Secretary to Govt.of Tamilnadu,
Home Department,
Secretariat,
St.George Fort,
Chennai 600 009.



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4.The Director General of Police,
(Law and Order),
4, Dr.Radhakrishnan Salai,
Mylapore,
Chennai 600 004.

5.Dr.N.O.Sukhaputra

6.E.Varunkumar

7.K.Velladurai

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 to initiate appropriate disciplinary proceedings against the 5th to 7th respondents and to complete the same within a time limit that may be specified by this Court by considering the petitioner's Email representation dated 28.08.2020.

For Petitioner : Mr.N.Anandha Padmanabhan
Senior Counsel for
Mr.S.M.Anantha Murugan

For R1 to R4 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

For R5 to R7 : Mr.ISAAC Mohanlal for
M/S.ISAAC Chambers



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to initiate appropriate disciplinary proceedings against the respondents 5 to 7 and to complete the same by considering the petitioner's E-mail representation dated 28.08.2020.

2.The petitioner is one of the depositors in a Finance Company, by name Bullion Fintech LLP, which is having its local Office at Ramanathapuram. The case of the petitioner is that he mobilized funds to the tune of Rs.50,00,000/- and invested the same with the aforesaid Company. Apart from that, the Company collected various deposits to the tune of more than Rs.3 Crore and did not pay the amount collected by them to the depositors. In this regard, the petitioner lodged a complaint with the Inspector of Police, Bazar Police Station, Ramanathapuram and the same was registered in Crime No.347 of 2020 against the accused, Neethimani, Menaga and Anand for the offences punishable under Sections 406, 506(ii), 294(b) and 420 IPC. Similar complaints were filed before the District Crime Branch, Ramanathapuram in Crime No.41 of 2020 for the offences punishable under Sections 406 and 420 IPC on 29.02.2020 and before the



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3.Mr.N.Anandha Padmanabhan, learned Senior Counsel assisted by Mr.S.M.Anantha Murugan, learned counsel for the petitioner, would contend that, the respondents 5 to 7 had abused their position and made the accused to escape from the clutches of law. His further contention is that though the offences under Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997, are attracted, the case was not transferred to the Economic Offences Wing as these three Officials had vested interest and therefore stalled the same. It is his further submission that a sale deed was registered in favour of close relatives of the respondents 5 and 6. He therefore prayed for a direction to the respondents 1 to 4 to initiate appropriate disciplinary proceedings against the respondents 5 to 7.

4.Mr.A.Thiruvadikumar, learned Additional Public Prosecutor, on instructions, would contend that the proposal for transferring the entire case records pertaining to the aforesaid Crime Numbers to the Economic Offences



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Wing-2, Madurai, was sent to the Director General of Police, Chennai, on 03.07.2020 itself, based on which, the case was transferred to the Economic Offences Wing-2, Madurai and now, the same is pending in Crime No.2 of 2020 against 4 accused. The accused were also arrested on 09.06.2020 and subsequently were enlarged on bail. His specific contention is that the respondents 5 to 7 have not abused their position as alleged by the petitioner.

5.Mr.Mohanlal, learned counsel appearing for the respondents 5 to 7 would contend that all the accused were arrested on 09.06.2020 and that the respondents 5 to 7 had never abused their position. He also drew the attention of this Court to the proceedings for transfer of First Information Report in Crime No.2 of 2020 and contended that within 4 days of registering the First Information Report, all the records were transferred to Economic Offences Wing by the concerned Police, vide proceedings dated 02.07.2020. On 01.09.2020, the Director General of Police, Chennai, transferred the entire case records to the Economic Offences Wing and the Economic Offences Wing has now taken over the investigation. The accused were already arrested by the Inspector of Police and subsequently they were enlarged on bail. All the proceedings commencing from 02.07.2020 up to



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01.09.2020 were all sent to the Economic Offences Wing. Therefore, he prayed for dismissal of the present Writ Petition.

6. The entire proceedings between 02.07.2020 and 01.09.2020 are placed before this Court and a cursory look of these case records shows that there is no undue delay in sending these records to the Economic Offences Wing. More over, the accused in the instant case were arrested by the police and they were subsequently enlarged on bail. The contention of the learned counsel for the petitioner is that the close relatives of the respondents 5 and 6 have purchased some of the properties, which were purchased by the accused from out of the proceeds of the crime and hence a disciplinary proceedings has to be initiated against them. It is pertinent to point out that the matter is pending before the Economic Offences Wing-2, Madurai and they are investigating the case.

7. The Investigation Officer is directed to investigate with regard to the sale deed dated 21.08.2020 in Doc.No.962/2020 executed by the accused, A.Karunanithi, in favour of one K.T.Paavan Kumar and M.Tamilselvan for the purpose of proceeding under the relevant provisions of TNPID Act and to file a



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report before the concerned officials.

8.At this juncture, learned counsel appearing for the respondents 5 to 7 would contend that K.T.Paavan Kumar and M.Tamilselvan are neither known persons nor the relatives of the respondents 5 and 6 and that they are not the parties to any of the transactions in these crime numbers.

9.In any event, it is for the police to investigate all these matters and this Court cannot come to any conclusion in this regard at this stage since the matter has already been transferred to the Economic Offences Wing-2, Madurai and the same is under investigation.

10.Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

18.01.2024

Index : Yes / No
Internet : Yes / No
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R. HEMALATHA, J.

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