



CrI.O.P.(MD) No.9990 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.9990 of 2024

V.Mahesh

... Petitioner

Vs

**1. The Commissioner of Police,
Madurai, Madurai District..**

**2. The Inspector of Police,
Central Crime Branch, Madurai.
Cr. No. 7/2024.**

3. S.R Thevar

4. Kesava @ Chandra

5. Munnusamy

6. Pallavi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the second respondent to conduct further investigation in



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Crime no. 07/2024 dated 05.09.2023 in accordance with law.

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For Petitioner : Mr.Sargunam.B,

For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. side)

ORDER

This criminal original petition has been filed seeking a direction to the second respondent to conduct further investigation in Crime no. 07 of 2024.

2.The learned Counsel appearing for the petitioner submits that the petitioner is the defacto complainant in Crime No.7 of 2024, which is pending on the file of the second respondent. The first accused, namely, Rajasekar @ S.R.Thevar has approached the petitioner on 05.01.2022 at Karaikudi Pandian Hotel and has induced the petitioner that they are intending to deposit money to the tune of Rs.75 Crores and they have also insisted the petitioner to part with one percent of the amount I.e., a sum of Rs.75,00,000/- for the registration charges for mortgaging the first accused



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properties and also additionally a sum of Rs.5,00,000/- for the other miscellaneous expenses. Believing the words of the accused, the petitioner has also registered his company on 08.01.2022. On 29.01.2022 at Chennai, the fourth accused shown him a bag full of Rs.2,000/- notes and informed him that if the petitioner transfers the document charges, the next moment, the entire loan amount of Rs.75 Crores will be transferred to the petitioner's account. Therefore, the petitioner on 31.01.2022 has transferred a sum of Rs.40,00,000/- from his account through RTGS to one Muniyasamy/third accused as directed by the first accused. The accused have also shown three Demand Drafts for a sum of Rs.25 Crores (each) and said that after the documentation, the Demand Drafts would be handed over to him. However, they have cheated him. Therefore, the petitioner has lodged a complaint before the learned Judicial Magistrate No.V, Madurai, under Section 156(3) Cr.P.C in Cr.M.P.No.1383 of 2023 and the same was forwarded by the learned Judicial Magistrate No.IV, Madurai to Thidirnagar Police Station, Madurai City to take action on the complaint of the petitioner. Accordingly, the FIR in Crime No.650 of 2023 has been registered for the offence under Sections 406 and 420 IPC as against the respondents 3 to 6. Considering the nature of offence and the amount involved, the Commissioner of Police



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by his proceedings, dated 03.02.2024 has transferred the case in Crime No. 650 of 2023 from the file of the Thidirnagar Police Station to the Central Crime Branch, Madurai City and the case is now pending in Crime No.07 of 2024 before the Central Crime Branch, Madurai.

3.The grievance of the petitioner is that though the accused SR Thevar was arrested and a sum of Rs.30 Crores was recovered from him the respondent police has not taken any steps to recover the remaining amount. Though substantial amount has been recovered in the other crime numbers, the respondent police has not shown any interest to recover the petitioner's amount.

4.The learned Counsel appearing for the petitioner also produced the details about the properties in the name of the accused. According to the petitioner on his own efforts, he has traced and found out that the accused is having several crores of properties in the Madurai District, Karaikudi District, Kerala, Kollam, Thenmalai and SR Thevar Palace and Hotel in Kollam-Thirumangalam Road and in various other places.



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5.The learned Government Advocate (CrI.Side) submits that on the directions of the learned Judicial Magistrate No.V, Madurai, in Cr.M.PNo. 1383 of 2023, the Inspector of Police, Thidir Police station has registered the case. On the direction of the Commissioner of Police, Madurai, the case is now transferred to the Central Crime Branch, Madurai and the same is pending in Crime No.07 of 2024 from 15.02.2024. He further submits that the first accused was arrested and produced before the learned Judicial Magistrate No.I, Madurai and three days custodial interrogation was also sought before the learned Judicial Magistrate No.I, Madurai. However only three hours was granted for custodial interrogation. In view of the orders of the learned Judicial Magistrate No.I, Madurai, the respondent police could not conduct a proper investigation with the accused. The respondent police have also taken steps to freeze the accounts of the accused lying in ICICI Bank, North Chithrai Branch in Account No.612401504272.

6.The learned Counsel for the petitioner also submits that the first accused is in the habit of committing such an offence and he has cheated more than a sum of Rs.500 Crores in similar manner, for which, cases have also been registered. The main accused is having properties worth about a



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sum of Rs.500 to 700 crores all over India. The petitioner has collected the list of properties and produced the same before this Court.

7.This Court has considered the rival submissions made.

8.It is not proper on the part of the learned Judicial Magistrate No.I, Madurai for restricting the police custody in such a nature of cases for 3 hours only. Even if the Magistrate has not facilitated the police officers for conducting the investigation, the respondent police is still having the powers to conduct the investigation by summoning the accused and if the accused is not co-operating for the investigation, the respondent police is entitled to file an application to cancel the bail granted to the accused and therefore, the respondent police shall conduct a proper investigation. The Commissioner of Police, Madurai, shall also look into the issue, constitute a separate team and ensure that a proper investigation is conducted in Crime No.07 of 2024 within a reasonable time. The petitioner is also directed to furnish a copy of the list of properties of the first accused to the respondent police.



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9. With the above direction this criminal original petition is disposed

of.

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NCC : Yes/No

Internet: Yes/No

Index: Yes/No

LR

To

1. The Commissioner of Police,
Madurai, Madurai District..

2. The Inspector of Police,
Central Crime Branch, Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

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