



WP(MD)No.15973 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.15973 of 2024

Megala Boominathan

... Petitioner

Vs

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

2.Inspector of Police,
Cyber Crime,
Oomachikulam,
Madurai City.

3.The Additional Director,
General of Police,
Cyber Crime,
Madurai City.

...Respondents

(R3 is Suo Motu Impleaded Vide Court Order Dated.18.07.2024 in WP(MD).
15973/2024 by BPJ).

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to complete the enquiry and to take action



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against the fraudulent and illegal act based on the petitioner earlier compliant dated 25.01.2024 and her representation dated 03.05.2024 and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.Aayiram K.Selvakumar,
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioner is a victim of a Bank fraud. She was having Savings and Fixed Deposit Accounts in the HDFC Bank and she is also maintaining a credit card. Through her credit card, she has remitted a sum of Rs.2,698/- for recharging her mother-in-law's Jio Mobile No.98437 21992, on 14.01.2024. However, the recharge was not effected. Therefore, she has approached the Jio Customer Care and they asked to WhatsApp the bank details, including the Credit/Debit card details. The petitioner has also responded to the same through her whatsapp number. She has received several OTPs. Since the petitioner is having some doubts, has approached her neighbour and on his instruction, they have also contacted the employee of the HDFC Bank. The staff of the HDFC Bank has



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suggested the petitioner to transfer all the amount to the fixed Deposit account and on his advice, it was done. On the next day, ie. on 25.01.2024, the entire amount in her account Rs.2,33,642/- has been withdrawn. In this regard, the petitioner has lodged a complaint before the respondent police and the same was forwarded to the second respondent police. A receipt was also issued to her. However, no action was taken by the respondent police. Therefore, the petitioner has filed this writ petition, seeking a Mandamus, directing the respondents 1 and 2 to conduct the enquiry and to take action on her complaint, dated 25.01.2024 and a reminder, dated 03.05.2024.

2. When this writ petition is taken up for hearing on 18.07.2024, a representation was made on behalf of the respondents that the amount involved in this case is only around Rs.2 Lakhs and a case would be registered only if the value of fraud is more than Rs.5 Lakhs and for the remaining complaints, preliminary enquiry would be conducted.



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3. Surprised to this representation made on behalf of the respondents, this Court, has *suo motu* impleaded the Additional Director General of Police, Cyber Crime, Madurai and directed the learned Additional Public Prosecutor to get instructions as to the stand taken by them, in registering the cases.

4. In response to the order, dated 18.07.2024, they have issued a notice under Section 91 and 102 of Cr.P.C to the HDFC Bank through e-mail, seeking details on this fraudulent transaction, KYC details and Statement of accounts, mobile number and mail ID. Since the details have not been provided, they have not registered the case. The Superintendent of Police claims that the case is now been registered on the file of City Cyber Crime in Crime No.57 of 2024, under Section 66(D) of IT Amendment Act, 2008 and under Section 420 of IPC as against some unknown persons, having link with the mobile numbers used for commission of offence i.e., 9241633677 and 8217305319. The Superintendent of Police has also stated that no oral or written order was passed to



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register a case for a fraud of more than Rs.5 Lakhs alone. They are registering all the cyber crime complaints in National Cyber Crime Reporting Portal (NCRP), before assigning FIR or CSR to the complaint. He also states that they have registered 95,106 cyber complaints in the year 2023. 3602 FIRs have been registered all over State of Tamil Nadu by the Cyber Crime Police Stations, out of which, around 1147 FIRs have been registered for the loss, which is more than Rs.5 Lakhs and 2155 FIRs have been registered for the money loss, which is less than Rs.5 Lakhs. They have also registered FIRs for non-financial complaints. It is also stated that the State of Tamil Nadu stands in third position in FIR registration and first in CSR Registration all over India, corresponding to Cyber crime cases, as per the report of the Cyber Co-ordination Centre. According to the Superintendent of Police, earlier instruction provided to this Court is mistake of fact/communication and they are registering cases even for non-financial frauds.



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5.This Court considered the rival submissions made and also perused the materials placed on record.

6.The petitioner, a victim of a cyber crime is said to have lodged a complaint on 24.01.2024 has also sent a reminder on 03.05.2024 and filed this writ petition on 15.07.2024. The data provided by the respondent police appears that the respondent police are registering cases, irrespective of the value of fraud. However, the petitioner's complaint was not duly attended and therefore, this petitioner was constrained to file this writ petition before this Court by spending some amount. The respondent police cannot take pride that they have registered 3602 FIRs in the State of Tamil Nadu. The petitioner has knocked the door of this Court that the respondent police has not acted upon her complaint, which was lodged in the month of January 2024. The fact remains that the complaint of this petitioner was attended only on 08.07.2024 by registering a case in Crime No.57 of 2024, that too after filing of this writ petition. This may be feasible for the petitioner like persons. However, it will not



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be feasible for poor victims. The respondent police without expecting any directions/orders from this Court, have to discharge their duty in a proper manner. Mere registration of the First Information Reports would not serve the purpose. FIR must also be concluded with a logical end. An effective prosecution alone can elevate the pride of the Institution and the confidence of a common man on the system. Though this Court is of the view that this petition has to be allowed with a cost, this Court is refrained for this time with a hope that the respondent police will not drive the poor litigants to seek the relief from the Courts for even registering FIRs hereafter.

7. In view of the above, this writ petition is allowed. The respondent police shall conduct the investigation in a proper manner and ensure that the final report in this case is filed within a reasonable time. No costs.

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Index : Yes/No



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Internet : Yes/No
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To

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- 3.The Additional Director,
General of Police,
Cyber Crime,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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B.PUGALENDHI,J.

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Order made in
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