



CrI.O.P.(MD)No.16013 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 03.10.2024

Pronounced on : 06.11.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.16013 of 2024

and

CrI.M.P.(MD)No.10096 of 2024

Anand Sathish

... Petitioner

Vs.

- 1.The Superintendent of Police,
Dindigul District,
Dindigul.
- 2.The Commissioner of Police,
Madurai City,
Madurai.
- 3.The Inspector of Police,
District Crime Branch,
Dindigul.
(Crime No.10 of 2024)
- 4.The Inspector of Police,
CCB-Madurai,
Madurai District.



Crl.O.P.(MD)No.16013 of 2024

5.Sivaranjani

*(R5 is impleaded as per order of this Court dated
26.09.2024 in Crl.M.P.(MD)No.10313 of 2024 in
Crl.O.P.(MD)No.16013 of 2024)*

... Respondents

Prayer : This Criminal Original Petition filed under Section 528 B.N.S.S., to withdraw the investigation in Crime No.10 of 2024 pending on the file of third respondent police and entrust the same to the fourth respondent with a direction to investigate the matter in accordance with law and consequently to direct the second respondent to monitor the same.

For Petitioner	: Mr.M.Ajmal Khan, Senior Counsel for M/s.Ajmal Associates
For R1 to R4	: Mr.P.Kottai Chamy Government Advocate (Crl. Side)
For R5	: Mr.S.Alagu Sundar

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to withdraw the investigation in Crime No.10 of 2024 pending on the file of the third respondent police and entrust the same to the fourth respondent.

2. On the basis of the complaint lodged by the fifth respondent, FIR came to be registered in Crime No.10 of 2024 on 16.08.2024 against seven



Crl.O.P.(MD)No.16013 of 2024

persons including the petitioner herein for the alleged offences under Sections 120B, 420, 465, 468 and 471 IPC on the file of the third respondent.

3. It is the case of the fifth respondent/defacto complainant that she is the Director of Yuvaraj Scaffolding Private Limited (hereinafter called as Yuvaraj Company) and Rhino Scaff Industry Private Limited (hereinafter called as Rhino Company), that the accused 1 and 2 and one Swetha are also the Directors of Rhino Company, that the fifth accused is the accountant of Rhino Company, that the petitioner/third accused and the fourth accused are the Directors of Admire Power Engineer Private Limited (hereinafter called as Admire Company) and that the accused 6 and 7 are the accountants of Admire Company.

4. The case of the prosecution is that on 15.03.2022, when the fifth respondent was in abroad, she was removed from Rhino Company by forging her signature in the resignation letter, that the first accused was inducted as Director in Yuvaraj Company on 18.03.2024 by forging the signature of the fifth respondent, that the fifth respondent was informed by



Crl.O.P.(MD)No.16013 of 2024

the bank officials that her signature differs in the bank authorization letter and on enquiry, she came to know that the accused had forged her signature in the bank authorization letter and that the first accused had obtained a loan to the tune of Rs.1.13 crores and transferred a sum of Rs.50 lakhs to Admire Company without her knowledge.

5. The case of the petitioner is that cause of action set out in the FIR falls under the jurisdiction of the fourth respondent, that all the companies mentioned in the FIR are having registered office at Madurai, that the entire offence said to have committed by the accused also falls under the jurisdiction of Madurai, that the fifth respondent's Aadhar Card would disclose that she is the resident of Madurai, that the fifth respondent has chosen to prefer a complaint before the DCB, Dindigul and FIR was also registered by the third respondent on the same day without following the mandate enumerated by the Hon'ble Supreme Court in ***Lalita Kumari's*** case and the third respondent went to the extent of arresting the accused 4 and 6 on the same day without adhering to the guidelines issued by the Hon'ble Apex Court in the case of ***Arnesh Kumar Vs. State of Bihar***, that Zero FIR had been introduced with the primary purpose to ensure that the



Crl.O.P.(MD)No.16013 of 2024

victims can file complaints regardless of jurisdiction, that the police station must necessarily register the FIR when approached by the complainant and then to transfer it to the police station having jurisdiction for investigation and that the third respondent police officials had deliberately refused to transfer the Zero FIR to the concerned police station i.e., fourth respondent which leads to miscarriage of justice towards the petitioner and the other accused.

6. The main contention of the petitioner is that the fifth respondent had deliberately lodged the false complaint before the third respondent to harass the accused and that the third respondent police in collusion with the fifth respondent had been infringing the fundamental rights of the accused in the case on hand.

7. The fifth respondent has filed a counter affidavit stating that the fifth respondent is the one of the Director of Rhino Company apart from three other Directors, namely, Sunitha, Velvizhi and Swetha, that the fifth respondent had invested machineries worth about Rs.1,53,00,000/- and raw materials worth about Rs.2,27,00,000/-, totalling Rs.3,80,00,000/- to



Crl.O.P.(MD)No.16013 of 2024

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Rhino Company, that Rhino Company is having two units one at Madurai and other at Manapparai, that the fifth respondent is also Managing Director of Yuvaraj Company and another Director is Gnanaraj Magesh Sam Dason George, that the fifth respondent is residing at Oddanchathiram at her husband's house, that the fifth respondent had managed the above said two companies from her house at Oddanchathiram, that whenever the fifth respondent's signature is required for any transaction, Rhino Company staff Saravanan/fifth accused came to the fifth respondent's house and obtained her signature, that the fifth respondent received a call from Axis Bank Madurai, as if, her signature differs from the documents submitted to the bank by the said company, that the fifth respondent verified with the bank and company secretary office and came to know that on 15.03.2022, forged document was created, as if, she resigned from the post of the Director of Rhino Company and she agreed to transfer her 30,000 share in the name of the first accused, that the fifth respondent went to Qatar on 03.03.2022 to meet her husband, that on 31.01.2024 another forged letter was created by the accused 1 to 7, that when the fifth respondent was in her father's funeral on 31.01.2024, the accused have forged signature and created



Crl.O.P.(MD)No.16013 of 2024

document, that another forged letter was created by the accused 1 to 7 on 18.04.2024, as if, one of the Director Gnanaraj Magesh Sam Dason George had resigned and the first accused Sunitha was appointed as new Director instead of Gnanaraj Magesh Sam Dason George and his shares transferred to her name, that the fifth respondent went to Hyderabad to meet her husband since he was transferred to Hyderabad from Qatar and that the third accused had preferred the present petition with unclean hands.

8. The fifth respondent, in addition to the above, has also raised averments with regard to the merits of the case.

9. The third respondent/Inspector of Police, DCB, Dindigul has also filed a counter affidavit reiterating the case of the fifth respondent and merits of the case.

10. The learned Senior Counsel appearing for the petitioner would submit that he is restricting his arguments only with regard to the jurisdiction of the third respondent in proceeding with the investigation.



Crl.O.P.(MD)No.16013 of 2024

WEB COPY

11. As already pointed out, the main contention of the petitioner is that the registered office of the above said two companies are at Madurai, that the entire offence said to have committed within the limits of Madurai, that the fifth respondent has been residing at Madurai as evident from her Aadhar Card and that therefore the third respondent has absolutely no jurisdiction to proceed with the investigation and after registering the Zero FIR, the third respondent ought to have transferred the FIR to the file of the fourth respondent.

12. As already pointed out, it is the case of the fifth respondent that she is residing in her husband's house at Oddanchathiram and that she has been managing the above said companies from her house at Oddanchathiram. According to the fifth respondent, the fifth accused accountant came to her house and obtained signatures from her and that the Axis Bank officials have also contacted the fifth respondent and informed that her signatures are different.

13. As rightly contended by the learned Senior Counsel appearing for the petitioner, the main complaint of the fifth respondent is that forged



Crl.O.P.(MD)No.16013 of 2024

document was created on 15.03.2022, as if, the fifth respondent had resigned from the post of Director in Rhino Company and agreed to transfer her 30,000 share in the name of the first accused and that when the fifth respondent was in Qatar on 03.03.2022, another forged authorization letter to Bank dated 31.01.2024 came to be created by the accused 1 to 7.

14. It is not the specific case of the fifth respondent that forged letters were created at Dindigul, but even according to them, the registered office of the said companies are at Madurai. As already pointed out, even according to the fifth respondent, she had not visited the registered office of the said companies but whereas, the fifth accused used to come to the house of the fifth respondent and get signatures from the fifth respondent.

15. The petitioner has produced the registration certificates of Yuvaraj Company and Rhino Company, wherein, it has been shown that the registered offices are at Madurai. The petitioner has also produced the copy of the Aadhar Card of the fifth respondent, wherein, she was shown to be residing at Door No.12/102, Kaliasman Kovil North Street,



Crl.O.P.(MD)No.16013 of 2024

Palanganatham. The fifth respondent has produced the copy of the agreement and the alleged forged resignation letter and authorization letters.

16. As rightly contended by the learned Senior Counsel appearing for the petitioner, at this stage it is not necessary to go into the merits of the case.

17. As rightly contended by the learned Senior Counsel appearing for the petitioner, it is clearly evident that the fifth respondent has not shown any material to infer that the third respondent is having territorial jurisdiction to register the case and proceed with the investigation, but on the other hand, the petitioner has produced the necessary materials so as to infer that the fourth respondent alone is having jurisdiction to conduct the investigation.

18. It is not in dispute that on the basis of the complaint given by the fifth respondent, FIR came to be registered by the third respondent and the third respondent had been proceeding with the investigation.



Crl.O.P.(MD)No.16013 of 2024

WEB COPY

19. It is pertinent to note that the provision of 'Zero FIR' came up as a recommendation in the Justice Verma Committee Report, in the new Criminal Law (Amendment) Act, 2013 after the heinous 'Nirbhaya Case' of December, 2012 and as per the concept of Zero FIR, that can be filed in any police station by the victim, irrespective of their residence or the place of occurrence of crime.

20. As rightly pointed out by the learned Senior Counsel appearing for the petitioner, Zero FIR has been given a statutory basis under BNSS, 2023 by including the same in Section 173(1) which relates to registration of FIR in cognizable cases.

21. Considering the scope of Zero FIR, it is clear that an Officer in charge of a Police Station, irrespective of his jurisdictional competence, shall record every information received orally or in writing, relating to the commission of a cognizable offence and that the power of an Officer in charge of a Police Station to investigate into a cognizable offence is co-extensive with that of the Court having jurisdiction over the local area within the limits of such Station, having power to enquire into or try that



Crl.O.P.(MD)No.16013 of 2024

offence.

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22. No doubt, the power of Court to interfere with an investigation is limited and that the investigation once started cannot be called in question by the Court on the ground that the Police Officer investigating the same was lacking territorial jurisdiction provided the investigating officer *bona fide* without noticing lack of territorial jurisdiction has proceeded with the investigation.

23. In the case on hand, as already pointed out, it is the specific complaint of the petitioner that the fifth respondent had deliberately lodged the false complaint with the third respondent and that there was collusion between the third respondent and the fifth respondent and that is why, the third respondent had arrested two accused on the very same day.

24. In such a scenario, the third respondent cannot be allowed to proceed with the investigation. Hence, the third respondent is to be directed to consider the FIR registered in Crime No.10 of 2024 as Zero FIR and then to transfer the same to the jurisdictional police i.e., fourth



Crl.O.P.(MD)No.16013 of 2024

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respondent and the fourth respondent is to be directed to register the case and to proceed with the investigation and file final report within the time stipulated by this Court.

25. In the result, this Criminal Original Petition stands allowed. The third respondent is directed to transfer the Zero FIR registered in Crime No.10 of 2024 to the file of the fourth respondent and on receipt of the same, the fourth respondent is directed to register an FIR and proceed with the investigation and complete the same and file final report within a period of four months from the date of receipt of the Zero FIR. Consequently, connected Miscellaneous Petition is closed.

06.11.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To
1.The Superintendent of Police,
Dindigul District,
Dindigul.

2.The Commissioner of Police,
Madurai City,



Crl.O.P.(MD)No.16013 of 2024

Madurai.
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Crl.O.P.(MD)No.16013 of 2024

K.MURALI SHANKAR,J.

csn

- 3.The Inspector of Police,
District Crime Branch,
Dindigul.
- 4.The Inspector of Police,
CCB-Madurai,
Madurai District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Pre-Delivery Order made in
Crl.O.P.(MD)No.16013 of 2024
and
Crl.M.P.(MD)No.10096 of 2024

Dated : 06.11.2024