



Crl.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

Crl.O.P.(MD)No.22565 of 2024:-

M.Shajahan

... Petitioner

Vs.

1.The Director General of Police,
O/o. the Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

2.The Superintendent of Police,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

4.The Deputy Superintendent of Police,
Economic Offence Wing,
Near Fire Station,
Ozhukinachery,
Nagercoil,
Kanyakumari District.

... Respondents



Crl.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the third respondent Police to register the case on the basis of the direction given by the learned Judicial Magistrate No.II, Kuzhithurai, in Crl.M.P.No.5606 of 2024, dated 17.05.2024, and consequently, to transfer the investigation of the case as against the Packiapuram Esthakiar Makkal Nithi Ltd., Packiapuram, Arumanai Post, Kanyakumari District from the file of the third respondent to the fourth respondent and conduct fair investigation and file final report, within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

Crl.O.P.(MD)No.22586 of 2024:-

G.Subramaniam

... Petitioner

Vs.

1.The Director General of Police,
O/o. the Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

2.The Superintendent of Police,
Kanyakumari District at Nagercoil.



Crl.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

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3.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

4.The Deputy Superintendent of Police,
Economic Offence Wing,
Near Fire Station,
Ozhukinachery,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the third respondent Police to register the case on the basis of the direction given by the learned Judicial Magistrate No.II, Kuzhithurai, in Crl.M.P.No.5607 of 2024, dated 17.05.2024, and consequently, to transfer the investigation of the case as against the Packiapuram Esthakiar Makkal Nithi Ltd., Packiapuram, Arumanai Post, Kanyakumari District from the file of the third respondent to the fourth respondent and conduct fair investigation and file final report, within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



Crl.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

Crl.O.P.(MD)No.22608 of 2024:-

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M.Chellaswamy

... Petitioner

Vs.

1.The Director General of Police,
O/o. the Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

2.The Superintendent of Police,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

4.The Deputy Superintendent of Police,
Economic Offence Wing,
Near Fire Station,
Ozhukinachery,
Nagercoil,
Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking a direction to the third respondent Police to register the case on the basis of the direction given by the learned Judicial Magistrate No.II, Kuzhithurai, in Crl.M.P.No.5659 of 2024, dated 17.05.2024, and consequently, to transfer the investigation of the case as against the Packiapuram Esthakiar Makkal Nithi Ltd., Packiapuram, Arumanai Post, Kanyakumari



CrI.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

District from the file of the third respondent to the fourth respondent and conduct fair investigation and file final report, within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

COMMON ORDER

On 19.12.2024, when CrI.O.P.(MD)No.22565 of 2024 was taken up for hearing, this Court passed the following order:-

"The petitioner, one of the affected parties, who had deposited in Packiapuram Esthakiar Makkal Nithi Limited attracted by the Scheme published by the said Nithi. The petitioner had deposited Rs.21,05,000/- in his name, Rs. 5,00,000/- in his daughter's name and Rs.10,55,000/- in his wife name, totally, he deposited around Rs.36,60,000/-. Thereafter, he withdrawn Rs.2,50,000/-. There is a remaining deposited of amount Rs.34,10,000/- with the Nithi. When the petitioner made a request to the Nithi to repay the remaining amount, the said Nithi failed to do so. Hence, he made a complaint in person to the fourth respondent / Deputy Superintendent of Police, Economic Offence Wing, on 04.12.2023, but no action has been taken. Thereafter, he sent a complaint on 05.03.2024 through registered post, but the respondents 3 and 4 failed to take action



Crl.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

on the petitioner's complaint. Hence, the petitioner filed a petition under Section 156(3) in Crl.M.P.No.5606 of 2024 before the learned Judicial Magistrate No.2, Kuzhithurai. The learned Magistrate by order dated 17.05.2024 directed the Inspector of Police, District Crime Branch, Nagercoil, to enquire the petitioner's complaint and if it is fit for prosecution, to file a report. On the direction of the learned Magistrate, the District Crime Branch had conducted enquiry and filed a report stating that there are 54 complaints pending against the said Nithi and the said Nithi had collected Rs.2,27,65,200/-, jewels, which was pledged, nearly 1495.890 grams and Rs.13,38,601, totally approximate value of Rs.95,65,996/- and jewels, which has been kept in the locker, nearly 3699.08 grams, which approximate value of Rs.2,03,44,940/-. Thus, the Nithi had misappropriated and cheated to the tune of Rs.4 crores. Hence, as per letter of Director General of Police direction in R.C.No.RA I(2)2404643/2022, dated 21.09.2022, when the misappropriated and cheated amount is more than Rs.3 Crores, it has to be enquired by the Economic Offence Wing, as specialised agency, in this regard.

2. The learned counsel for the petitioner submitted that in the view of the above report, appropriate direction may be issued to the Economic Offence Wing to register the petitioner's complaint and address the grievance of 54 depositors.



Crl.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

3. The learned Additional Public Prosecutor seeks small accommodation to find out whether earlier any complaint was received and if any case has been registered by the Economic Offence Wing.

4. Post the matter on 20.12.2024."

2. Today, when the matter was taken up for hearing, it is represented that the accused in these cases had collected Rs.4 Crores and cheated several individuals. In view of the same, this Court directs the Additional Director General of Police, Economic Offences Wing (EOW), to assign all three cases to a single Investigating Officer. This Court further directs the Economic Offences Wing to register the cases, conduct an investigation, and file a final report. The Additional Director General of Police, Economic Offences Wing, is to ensure that all the cases are handled by one officer to conclude the investigation efficiently.

3. With the above direction, these Criminal Original Petitions are disposed of.

NCC : Yes / No
Index : Yes / No
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20.12.2024



Crl.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

Copy to:-

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The Additional Director General of Police,
Economic Offences Wing,
Chennai – 83.

To

- 1.The Director General of Police,
O/o. the Director General of Police,
Post Box No.601,
Dr.Radhakrishnan Salai,
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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

M.NIRMAL KUMAR, J.

smn2

Common Order made in
Crl.O.P.(MD)Nos.22565, 22586 and 22608 of 2024

Dated: 20.12.2024