



Crl.O.P.No.8421 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.8421 of 2025

and

Crl.M.P.No.5538 of 2025

1. K.Muthulakshmi
2. S.Krishna Pradeesh
3. G.Kanimozhi
4. S.Sridharan

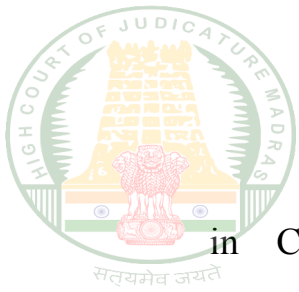
... Petitioners

Vs.

1. The Deputy Commissioner of Police – II,
Central Crime Branch,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.
2. The Inspector of Police,
Central Crime Branch,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.
3. B.Suryakumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 BNSS, 2023, to set aside the order passed by the learned Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to cheating cases



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in Chennai) and CBCID Metro Cases, Egmore, Chennai in
Crl.M.P.No.45712 of 2024 *vide* order dated 18.10.2024.

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For Petitioners : Mr.R.Anand
For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)
for R1 and R2
Mr.M.Senthil Kumar for R3

ORDER

The Criminal Original Petition is filed to set aside the order passed by the Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai dated 18.10.2024 in Crl.M.P.No.45712 of 2024.

2. Learned counsel for the petitioner submitted that the allegations against the petitioners is that pursuant to the inducement of the petitioners, the *de-facto* complainant invested his money in online trading, however, he had not been provided with assured returns and hence, the petitioners have cheated him resulting in loss of several lakhs. Hence, the complainant lodged a complaint and later F.I.R. in Crime No.164 of 2024 has been registered. Soon after knowing the same, one of



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the petitioners K.Muthulakshmi filed a quash petition before this Court

in CrI.O.P.No.13616 of 2024 and this Court *vide* order dated 09.08.2024

quashed the said F.I.R by observing that the business transaction between the daughter of the *de-facto* complainant and the petitioners has been given a criminal colour. Learned counsel for the petitioners further submitted that by suppressing the aforesaid order, the third respondent filed a private complaint under Section 156(3) Cr.P.C before the Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai in CrI.M.P.No.45712 of 2024. The learned Magistrate, *vide* order dated 18.10.2024 allowed the petition and directed the respondent-Police to enquire the matter and if *prima facie* case made out and cognizable offence exists, to register the FIR or file necessary report. Learned counsel for the petitioners further submitted that if any private complaint has been filed, the Magistrate himself can investigate the case to find out whether the allegations are true and conduct the trial and there is no need to give any direction to the Police to investigate the matter.

3. In support of his contention, the learned counsel for the



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petitioners placed reliance on the judgment of the Hon'ble Supreme

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Court in the case of ***Om Prakash Ambadkar Vs. State of Maharashtra and Others*** reported in 2025 SCC Online SC 238.

4. Learned counsel appearing for the third respondent submitted that pursuant to the inducement of the petitioners, the third respondent invested his money in online trading, however, he had not been provided with assured returns and hence, the third respondent filed a private complaint against the petitioners before the respondent-Police. Since no response was forthcoming, the third respondent filed a private complaint in Crl.M.P.No.45712 of 2024 before the Metropolitan Magistrate for Exclusive Trial of CCB Cases (Relating to cheating cases in Chennai) and CBCID Metro Cases, Egmore, Chennai, seeking a direction to register the case and conduct the investigation. The learned Magistrate rightly gave a direction and hence, there is no merit in this petition and the same is liable to be dismissed.

5. Heard both sides and perused the materials available on record.



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6. Admittedly, the third respondent lodged a complaint before respondents 1 and 2. Since no action has been taken on the said complaint, the third respondent filed a private complaint under Section 156(3) Cr.P.C., before the Court below. The learned Magistrate after enquiry finds that *prima facie* allegations has been made against the petitioners and hence, the Magistrate gave a direction to respondents 1 and 2 to register the case and conduct enquiry. Further, there is no quarrel regarding the proposition of law laid down by the Hon'ble Supreme Court. However, in the very same decision referred by the learned counsel for the petitioner, Hon'ble Supreme Court had given clear guidance that if any private complaint is made before the learned Magistrate and if the Magistrate finds that there are sufficient materials to proceed with the case even without any assistance of the police they can conduct enquiry/trial and decide the matter on merits. However, if the Magistrate finds that assistance of the Police is necessary to find out the truth, the Magistrate can give a direction to Police to conduct the enquiry/investigation as the case may be and laid final report/charge sheet and based on that, the learned Magistrate can proceed with the case, whereas, in this case on a reading of the entire materials and also



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the order of the learned Magistrate, this Court finds that *prima facie* there are allegations made out against the petitioners and that the assistance of the Police also necessary to find out the truth which meets to ends of justice. Therefore, this Court does not find any perversity or infirmity in the order of the learned Magistrate and hence, the Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No
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To

1. The Metropolitan Magistrate
for Exclusive Trial of CCB Cases
(Relating to cheating cases in Chennai)
and CBCID Metro Cases,
Egmore, Chennai.
2. The Deputy Commissioner of Police – II,
Central Crime Branch,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.
3. The Inspector of Police,
Central Crime Branch,
Office of the Commissioner of Police,
Vepery, Chennai – 600 007.
4. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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