



WEB COPY

CRL OP No. 20280 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

CRL OP No. 20280 of 2025

1. Vandana Parvez
No.9M, SIS Meridian, Velachery
Bypass Road, Chennai-600 042.

Petitioner(s)

Vs

1. Tamil Nadu Crime Branch,
The Investigating Officer, No.132
Commissioner Office Building, EVK
Sampath Road, Vepery, Chennai-600
007.

Respondent(s)

PRAYER : Criminal Original Petition filed under section 528 of BNSS to set aside the impugned order i.e. order in Crl.M.P.No.68727/2024 dated 09.04.2025 in CNR No.TNCHOF-095687-2024-CC No.2362/2024 on the file of Metropolitan Magistrate (CCB-CBCID), Egmore, Chennai and pass any other orders that may be necessary.

For Petitioner : Ms.Vandana Parvez – Party in Person



WEB COPY

CRL OP No. 20280 of 2018



For Respondent(s): Mr.K.M.D.Muhilan,
Additional Public Prosecutor

ORDER

Challenging the Order of the learned Metropolitan Magistrate dismissing the petition filed by the petitioner under section 139 of BNSS seeking to direct additional investigation by a Judicial officer of rank not lower than a Sub Divisional Magistrate or any other such expert, the present petition has been filed.

2. On the basis of the complaint of the petitioner and other dwellers final report has been filed against the accused originally for the offence under section 420 of IPC. The crux of the allegation in the complaint is that the accused under the promise of giving certain benefits, received huge amounts from various dwellers to construct houses and they failed to construct house and hand over to them. Thereby, based on the complaint, the final report has been filed under section 420 of IPC. Thereafter, it appears that supplementary charge sheet has also been filed as against the accused pursuant to the further



investigation Ordered by the trial Court in Crl.M.P.No.68730 of 2024.

Supplementary charge sheet has been filed for the offences under section 406, 409, 420, 467, 468, 471 and 506[i] IPC read with 34 of IPC, including various other sections. Not satisfied with the supplementary final report, a petition has been filed by the defacto complainant before the trial Court to direct additional investigation by a Judicial officer of rank not lower than a Sub Divisional Magistrate or any other such expert. The said petition has been dismissed by the trial Court as there is no provision under section 173 [8] of Cr.P.C. that empowers the Court to direct additional investigation by a judicial officer of such rank. The grievance of the petitioner is that necessary sections under sections 120B, 421, 422, 424, 468, 471 and 172 of IPC have not been included in the final report. Similarly, the offences under Prevention of Money Laundering Act has not been included in the final report.

3. At the outset, this Court is of the view that merely because some sections have not been included in the final report, that will not deter the trial Court in verifying the materials placed and frame necessary charges based on



WEB COPY

the materials collected by the prosecution. As far as provisions of Prevention of Money Laundering Act, this Court had already held in the Writ Petition Nos..778 of 2024 and 27875, 27881, 27887, 27891, 27895 and 27896 of 2023, this Court had directed the Special Director Enforcement Directorate to conduct investigation. Thereafter even in the Contempt Petition No.1228 of 2025, this Court in paragraph 8 of the Order had clearly held as follows :

“8. ... However, considering the grievance expressed by the petitioner, it will be more appropriate to direct the Enforcement Directorate to complete the investigation and to take a decision regarding filing the private complaint and / or proceeding further with the attachment under section 5 of the PML Act. This process shall be completed within a period of four months from the date of receipt of a copy of this Order.”

Since the issue is pending with the authorities, at this stage, now the police cannot be directed to file final report under the provision of any offence under PML Act. Hence, this Court cannot interfere with the Order of the trial Court as already indicated, it is in the domain of the trial Court to go through the



materials and frame necessary charges. The trial Courts are empowered to go

into the materials and frame necessary charges, if any particular section to be

added or omitted. In such view of the matter, I do not find any merits in this

petition.

4. Accordingly, this Criminal Original Petition is dismissed.

16-09-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

vrc

To

1. Tamil Nadu Crime Branch,
The Investigating Officer, No.132
Commissioner Office Building, EVK
Sampath Road, Vepery, Chennai-600
007.



WEB COPY

CRL OP No. 20280 of 20



N.SATHISH KUMAR J.

vrc

**CRL OP No. 20280 of
2025**

16-09-2025