

CrI.OP.No.18198 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P. No.18198 of 2025 and
CrI.M.P.No.12017 of 2025

M/s.Kalindi Gold,
Rep. By its Partner,
M.Ashok Radhanpura,
S/o.Mr.Dhirajlal Radhanpura,
Kamalesh Chamber,
Shop No.1 & 2, Sankdi Street,
Juni Gadhivad, Rajkot,
Gujarat, Pin- 360 002.

... Petitioner

Vs.

1. The Inspector of Police,
Delta-2, Cyber Crime Police Station,
Central Crime Branch,
Vepery, Chennai 600 007.

2. Rakesh Tiwari,
S/o.Shailendra Sharma,
Flat 5E, Mayflower Building,
Ceebros Gardens, 38 Arcot Rd.,
Virugambakkam, Chennai 600 092.

3. Sheth Pankaj Hasmukhray,
Owned of
M/s.P.S.Trading Co,
Savan Status B Wing Flat No.902,
near Arjun Party Plot,
New 150 Feet Ring Road,
Kalawad Raod, Rajkot,
Gujarat – 360 005.

... Respondents

(R3 and R4 are impleaded vide order of this Court
dated 11.09.2025 made in CrI.M.P.No.13919 of 2025)



Crl.OP.No.18198 of 2025

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and set aside the order passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai on 13.05.2025 in Crl.M.P.No.4610 of 2025 in NCPR-ACK-No:32912240035428 in C.No.1702/CCB/COP/V/2024.

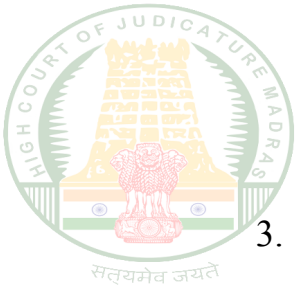
For Petitioner : Mr.P.T.Perumal

For Respondents : Mr.K.M.D.Muhilan,
Additional Public Prosecutor for R1
R2 appeared in person
R3 No appearance

ORDER

This Criminal Original Petition has been filed to set aside the order passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai on 13.05.2025 in Crl.M.P.No.4610 of 2025 in NCPR-ACK-No:32912240035428 in C.No.1702/CCB/COP/V/2024.

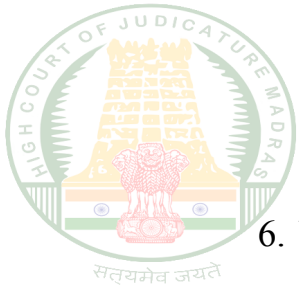
2. The challenge is made to the order of the learned XI Metropolitan Magistrate, dated 13.05.2025, ordering de-freeze the account of the petitioner and transfer the amount to the tune of Rs.5,00,000/- to the account of the defacto complainant/second respondent. The second Respondent / defacto complainant said to have lost a sum of Rs.88,54,000/- in online trading which is run by the petitioner herein.



3. It is the contention of the petitioner that they were engaged in the business of buying and selling gold for the past three years. The second Respondent / defacto complainant had purchased gold from them legally and amount has been given therefor. However, they are ready to deposit the disputed amount of Rs.5,00,000/- in the respective Crime Number.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent and the newly impleaded second respondent who appeared as party in person.

5. Considering the facts and circumstances of the case, this Court is of the view that as the defacto complainant has already given an undertaking before the trial Court that he would return the above amount as and when orders were passed by the trial Court, there is no point for depositing the amount in Crime number. Once again the defacto complainant who is present before this Court has given an undertaking that he would deposit the amount as and when the trial Court directs him. Hence, this Court does not find any reason to interfere with the orders passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai.



CrI.OP.No.18198 of 2025

6. With the above observation, this Criminal Original Petition stands

disposed of. Consequently, connected miscellaneous petition is closed.

11.09.2025

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Index : Yes / No

Speaking Order / Non speaking order

Neutral Citation : Yes / No

To,

1. The Inspector of Police,
Delta-2, Cyber Crime Police Station,
Central Crime Branch,
Vepery, Chennai 600 007.
2. The Public Prosecutor,
High Court of Madras.



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CrI.OP.No.18198 of 2025

N. SATHISH KUMAR, J.

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CrI.O.P. No.18198 of 2025

11.09.2025
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