



Crl.O.P.No.20223 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.02.2025

PRONOUNCED ON : 10.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.20223 of 2023
and Crl.M.P.No.13789 of 2023

Manuel Lawrence

... Petitioner

Vs.

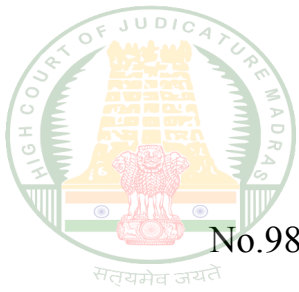
1. The State of Tamil Nadu,
Rep. by the Assistant Commissioner of Police,
Central Crime Branch-II,
Chennai.

2. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Central Crime Branch-II,
Chennai.
(Crime No.98 of 2020)

3. Ramala Anusha,
(R3 Suo Moto impleaded as
per order dated 04.09.2023
in Crl.O.P.No.20223 of 2023)

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records in C.C.No.276 of 2023 on the learned Judicial Magistrate-I, Poonamallee, and set aside the same and consequently direct the respondents to re-investigate the case in Crime



CrI.O.P.No.20223 of 2023

No.98 of 2020 on the file of the Assistant Commissioner of Police,
Central Crime Branch-II, Chennai.

For Petitioner : Mr.Shanmugasundaram
Senior Counsel
for Mr.Manuraj
For Respondent
For R1 & R2 : Mr.R.Vinothraja
Government Advocate (CrI.Side)
For R3 : Mr.C.Prabhu

ORDER

This petition has been filed to quash the proceedings in C.C.No.276 of 2023 on the file of the learned Judicial Magistrate No.I, Poonamallee, Kancheepuram District and for direction to direct the respondent to re-investigate the case in Cr.No.98 of 2020 on the file of the first respondent.

2. Heard the learned counsel appearing on either side and perused the material placed before this Court.

3. The petitioner is the complainant in Crime No.98 of 2020. The petitioner lodged complaint alleging that he is a retired pilot and he was introduced through one Priyanka to the accused and his wife, who claimed to be experts in online trading and other investments capable of



Crl.O.P.No.20223 of 2023

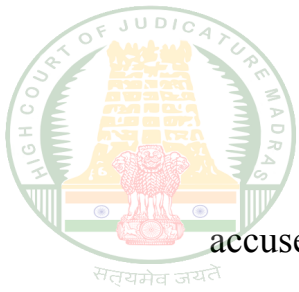
yielding huge by profit. They are also offering financial services. On the promise and assurance given by the accused, the petitioner entered into an oral agreement on 07.09.2017, whereby the petitioner was induced to believe that his investment would be protected at all times and would get annual profit of 25%. Believing the said words, the petitioner had made several payments to the tune of Rs.5,60,34,000/- as on 15.06.2020. On receipt of the same, the accused also assured that the petitioner would get return to the tune of 20% of the capital. However, no profit was paid to the petitioner. When the petitioner insisted for repayment of amount which was invested by him, the accused entered into an agreement on 12.08.2020 and undertake to return the amount by installment and also issued cheques. As per the schedule of repayment, the petitioner presented the cheque for a sum of Rs.50,00,000/- on 26.08.2020 and the same was returned dishonoured for the reason of stop payment issued by the accused. Thereafter the petitioner lodged complaint and the same has been registered in Crime No.98 of 2020 for the offence under Sections 406, 420, 506(1) of IPC as against two accused viz., the husband and wife, alleging that the second accused also assured that the profit will be assured in a proper manner. Further, she also induced the petitioner to deposit such a huge amount.



Crl.O.P.No.20223 of 2023

WEB COPY 4. After completion of investigation, the second respondent deleted the second accused and filed final report and the same has been taken cognizance in C.C.No.276 of 2023 on the file of the learned Judicial Magistrate No.I, Poonamalle. The petitioner was served with notice regarding deletion of second accused and as against which, the petitioner filed a protest petition in Crl.M.P.No.2467 of 2023. After enquiry, the protest petition was dismissed and the final report filed by the second respondent was accepted and taken cognizance as against the first accused alone. The said order was not challenged by the petitioner before any of the forum.

5. The learned Senior Counsel appearing for the petitioner submitted that in FIR, there is specific allegation as against the second accused that she also along with the first accused induced the petitioner to deposit such a huge amount and promised that the profit will be paid by them time to time. Therefore, the second respondent had rightly registered the FIR as against both the accused. However, the second respondent while filing final report deleted the second accused from the charge sheet on the ground that there is no material to connect the second



Crl.O.P.No.20223 of 2023

accused to charge her for the offences under Sections 406, 420, 506(1) of

WEB COIP.

5.1. He also relied upon the statement of account of the petitioner that from the account of the second accused, a sum of Rs.10,00,000/- initially paid to the petitioner. Therefore, she also actively involved in the online trading of the first accused and it is just and necessary to implead her also as an accused. If the trial is permitted to proceed further without impleading the second accused, no proper justice will be done. Therefore, further investigation is just and necessary in this case.

6. The learned counsel appearing for the third respondent submitted that the account of the third respondent always operated by her husband viz., the first accused. Therefore, being a house wife, she is nothing to do with the allegations levelled as against the first accused. He also pointed out that the complaint lodged by the petitioner dated 11.09.2020 revealed that the petitioner did not even levelled any allegations as against the third respondent. The entire allegation is against the first accused and he only induced the petitioner to deposit



Crl.O.P.No.20223 of 2023

WEB.COM

such a huge amount. Therefore, though the amount was transferred from the account of the third respondent to the petitioner, it doesn't mean that the third respondent also involved in the online trading business of the first accused. He also relied upon the petitioner's statement recorded under Section 161(3) of Cr.P.C., that the petitioner did not even whisper any overtact as against the third respondent. In fact, the first accused alone used to speak to him and the third respondent never visited the petitioner's house. Therefore, the second respondent rightly deleted the third respondent's name from the charge sheet and filed final report only as against her husband viz., the first accused.

7. Further, admittedly, the petitioner did not challenge the order passed in the protest petition in Crl.M.P.No.2467 of 2023 dated 07.07.2023, as against the deletion of the third respondent from the charge sheet. The petitioner filed the above protest petition and the trial Court concluded that on perusal of the statement recored under Section 161 of Cr.P.C., of witness L.W.2 & L.W.3, there is no averment as against the third respondent. Further L.W.6 to L.W.8 also stated about the bank account transactions of the first accused only. Therefore, this Court finds no grounds to order for re-investigation of the case in Crime



Crl.O.P.No.20223 of 2023

No.98 of 2020. Further, this Court finds no infirmity or illegality in the final report filed in Crime No.98 of 2020 and the same has been taken cognizance in C.C.No.276 of 2023 on the file of the learned Judicial Magistrate No.I, Poonamalle.

8. Accordingly, the Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

10.02.2025

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts

To

1. The Judicial Magistrate-I,
Poonamallee,
2. The Assistant Commissioner of Police,
State of Tamil Nadu,
Central Crime Branch-II,
Chennai.
3. The Inspector of Police,
State of Tamil Nadu,
Central Crime Branch-II,
Chennai.



WEB COPY



Crl.O.P.No.20223 of 2023

G.K.ILANTHIRAIYAN. J.

rts

Order in
Crl.O.P.No.20223 of 2023
and Crl.M.P.No.13789 of 2023

10.02.2025