



WP.No.32620 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 28.02.2025

Pronounced on: 25.03.2025

CORAM:

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

WP.No.32620 of 2024

and

WMP.No.35464 of 2024

B.Somasundaram

... Petitioner

Vs.

1. The Director General of Police
Kamarajar Salai
Mylapore,
Chennai-600 004.
2. The Commissioner of Police,
Coimbatore City
Coimbatore-641 018
3. The Deputy Commissioner of Police,
(Head Quarters)
Police Commissioner Office
Coimbatore-641 018
4. The Joint Director
Cental Bureau of Investigation
Rajaji Bhavan
Besant Nagar, Chennai.



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5. Saravanakumar
Deputy Commissioner of Police
Coimbatore South
Coimbatore

6. Selvaraj
Inspector of Police
D-2 Police Station
Coimbatore City
Coimbatore.

7. Guna
Sub Inspector of Police
D-2 Police Station
Coimbatore City
Coimbatore.

8. Manimaran
Sub Inspector of Police
D-2 Police Station
Coimbatore City
Coimbatore

9. Muthupandi
D-2 Police Station
Coimbatore City
Coimbatore.

10. C.R.Muthu Kumar
(Impleaded as per order dated
28.02.2025)

... Respondents



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Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 and 2 to transfer the investigation in Crime No.200 of 2024 (D2-Selvapuram Police Station) and petitioner's complaint dated 17.09.2024 pending enquiry in Na.Ka. No.163/DCP E/2024 on the file of the 3rd respondent, to the 4th respondent/CBI for fair and proper investigation and to prosecute the respondents 5 to 9 for illegal act of extortion of gold worth 1.200 kgs, by detaining the petitioner under their illegal custody in the police station on 12.09.2024.

For Petitioner : Mr.N.Manoharan

For Respondents : Mr.K.M.D.Muhilan for R1 & R2
Government Advocate(Criminal Side)

No Appearance for R5 to R9

ORDER

This writ petition has been filed seeking transfer in Cr.No.200 of 2024 from the file of the third respondent to the file of the fourth respondent for fair and proper investigation.

2. The case of the prosecution is that the petitioner is a business man and a resident of Coimbatore. The defacto complainant/ tenth



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respondent had involved in the gold business. The petitioner has requested the defacto complainant for a sum of Rs.1,00,00,000/- to develop his Real Estate Business, assuring that the petitioner has to register land sites in the name of the tenth respondent/defacto complainant equivalent to the said gold value. Believing the said words, the tenth respondent had given gold weighing 1250 grams, but, the petitioner neither registered any property in favour of the tenth respondent nor returned the gold weighing 1250 grams. When the tenth respondent demanded to return his gold, he was threatened with dire consequence by the petitioner. Hence, the present complaint.

3. On receipt of the same, the sixth respondent had registered an FIR in Cr.No.200 of 2024 for the offence under Sections 406, 420 and 506(ii) of IPC. Thereby, the petitioner is arrayed as an accused in Cr.No.200 of 2024 on the file of the sixth respondent.

4. The learned counsel appearing for the petitioner states that when the petitioner and his wife were in their house, the respondent police 6 to



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9 along with their team in uniform have forcibly entered into petitioner's house and had taken him to the police station on the complaint lodged by the tenth respondent. The petitioner never met the tenth respondent in his life and never received any gold from him as alleged in the complaint. Under coercion, the petitioner was threatened to return the gold weighing 1250 grams . Further, the petitioner was also detained for the entire day in the police station. Therefore, the petitioner has no other option to contact his friend who is Jeweller to arrange gold weighing 1250 grams. Immediately he arranged 1250 grams of gold and brought to the sixth respondent police station. Only after handing over the gold, he was set free.

5. Immediately after his release, the petitioner had lodged a complaint and the same has not been taken on file, since all the police officers had gone for bandobast. Therefore, the petitioner had lodged a complaint only on 17.09.2024 to all higher officials and narrated the entire events happened on 12.09.2024. Infact all the events happened on 12.09.2024 and the same was recorded in the C.C.Tv.footages.



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Thereafter, the petitioner was issued notice for investigation pursuant to the registration of an FIR. If the sixth respondent continuing the investigation, the petitioner will not get a fair and proper investigation and sought for transfer of investigation.

6. The learned counsel for the petitioner further submits that it is modus operandi of the tenth respondent to lodge several complaints as against several persons and so far three false FIRs have been registered as against three persons. Therefore, it has to be investigated by Central Bureau of Investigation, the fourth respondent herein. Further, in so far as the specific contentions raised by the petitioner, the modus operandi of the tenth respondent that used to lodge a similar complaint as against several persons. Within the jurisdiction of the sixth respondent, the tenth respondent filed complaints against gold merchants and this kind of complaints are frequently lodged and registered in several FIRs. So far, in the very same locality, registered 69 cases in respect of 150.77kgs of gold. On the complaint stage, there are 181 CSRs' are pending in respect of 57.792 kgs of gold. Therefore, present complaint is not only the



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complaint and several FIRs have been registered within the jurisdiction of the sixth respondent and they are pending for investigation. Further, the petitioner is an accused and he cannot choose the investigating agency to his whims and fancies.

7(i). On perusal of the counter filed by the respondent police and on the submissions made by the learned Government Advocate (Crl.Side) revealed that on the complaint lodged by the tenth respondent, the sixth respondent registered the FIR in Cr.No.200 of 2024 for the offence under Sections 406, 420 and 506(ii) of IPC on 11.09.2024.

7(ii) Pursuant to the registration of FIR on 12.09.2024, the sixth respondent visited the petitioner's house and brought him for enquiry to the police station. Infact, the petitioner submitted that he proposed to go for compromise with the tenth respondent through their common friend. After the common friend came to the police station and the proposal of the petitioner was accepted by the tenth respondent, the petitioner had handed over 1kg of gold to the common friend one Sathish Rajkumar.



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The petitioner also further submitted that he will return the remaining gold of 250 grams. After having handed over the gold weighing 1 kg after a period of five days i.e., 17.09.2024, the petitioner in order to escape from the clutches of law, has lodged a complaint before various superior officers making several allegations as against the respondents 6 to 9 herein.

7(iii) Infact the said complaint was taken for enquiry by the third respondent and submitted enquiry report before the second respondent on 10.10.2024. On perusal of enquiry report also revealed that the petitioner, the tenth respondent and the common friend Sathish Rajkumar were frequently contacted each other and to that effect, they have also produced the call details records. It is also evident from the pendrive produced by the sixth respondent before the third respondent during the enquiry containing voice recording of the petitioner, 10th respondent and the common friend Sathish Rajkumar.



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7(iv) However, the petitioner delayed the returning of remaining gold and it clearly revealed his deliberate intention to visit the tenth respondent. After he was taken to police station for enquiry on 12.09.2024, he was set free and he had gone to the Registrar Office for registering the document.

7(v) Further, the petitioner was never handed over the remaining jewels weighing 1250 grams to the sixth respondent. The petitioner simply produced the photographs of two gold bars each weighing 100 grams as if it was handed over to the sixth respondent.

8. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and produced photographs showing the very same serial number of the gold bar which has been taken from the internet.

9. In view of the above, this Court finds no grounds to transfer the investigation from the file of the third respondent to any other



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investigating agency. Infact the sixth respondent was transferred to some other police station and new Inspector of Police has joined in the D2 Police Station, Coimbatore. Hence, this petition is liable to be dismissed.

11. However, the third respondent is directed to monitor the investigation done by the Inspector of Police, D2 Police Station, Coimbatore City and shall ensure that there must be fair and proper investigation in Cr.No.200 of 2024.

12. In the result, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
Vv



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To
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Mylapore,
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Coimbatore City
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G.K.ILANTHIRAIYAN, J.

Vv

**Pre-delivery order made
in
WP.No.32620 of 2024**

25.03.2025