



WP.No.33515 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.33515 of 2024

and

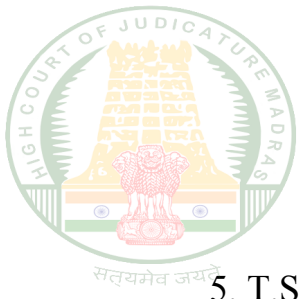
WMP.No.36290 of 2024

N.Balavenkatesh

... 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 Joint Director
Central Bureau of Investigation
Rajaji Bhavan
Besant Nagar
Chennai.
4. Saravanakumar
Deputy Commissioner of Police
Coimbatore South
Coimbatore



WP.No.33515 of 2024

5. T.Selvaraj
Inspector of Police
D-2 Police Station
Coimbatore City
Coimbatore.

6.C.R.Muthukumar

... Respondents

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.110 of 2024 (D2-Selvapuram Police Station) and the petitioner's complaints dated 25.04.2024 and 05.11.2024 to the 3rd respondent/CBI for fair and proper investigation and to prosecute the respondents 4 to 6 for illegal act of extortion of gold jewels from his house and his shop, by detaining the petitioner under their illegal custody in the police station on 24.05.2024.

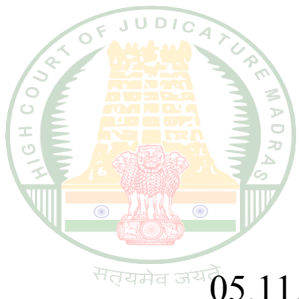
For Petitioner : Mr.N.Manoharan

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

Mr.R.Rajarathinam, Senior Counsel
for Mr.A.Ashwin Kumar for R6

ORDER

This petition has been filed to transfer the investigation in Cr.No.110 of 2024 and the petitioner's complaints dated 25.04.2024 and



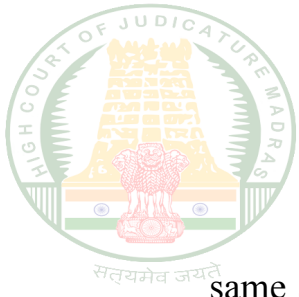
WP.No.33515 of 2024

WEB COPY

05.11.2024 from the file of the fifth respondent police station to the file of the third respondent for fair and proper investigation.

2. On the compliant lodged by the sixth respondent, the fifth respondent registered the FIR in Cr.No.110 of 2024 for the offence punishable under Sections 406 and 420 of IPC as against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner is running a jewellery shop at Coimbatore in the name and style of “Kajalakshmi Jewellery”. The petitioner along with his wife running a Chain Manufacturing Factory in the name and style of " BV Chains" . While being so, the petitioner has approached the sixth respondent in lending 10 kgs of pure gold, assuring that double the sum would be repaid within three years. At that juncture, the sixth respondent had possessed only 7400 grams of pure gold which was given to the petitioner and his wife on 14.08.2021. It was also duly acknowledged by the petitioner by issuance of receipt. The receipt was recorded in the presence of the witnesses. However, the petitioner failed to return the



WP.No.33515 of 2024

WEB COPY

same and when the sixth respondent demanded the same, the petitioner had threatened the defacto complainant with dire consequences. Hence the complaint.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on getting instructions from the Investigating Officer submits that after registration of an FIR, the sixth respondent has filed an application before the concerned jurisdictional Magistrate on 24.05.2024 and requested for search warrant and the same was allowed. After obtaining permission, the fifth respondent and his team made search in his house and recovered the following jewels and cash under mahazar:

<i>Sl.No</i>	<i>Material Description</i>	<i>Rupees/Weight</i>
1	Cash	Rs.1,97,500/-
2	Gold Ring	24.900 grams
3	Gold Ring	20.100 grams
4	Bracelet	40.250 grams
5	Neck Chain with Dollar	71.900 grams

Thereafter, the fifth respondent seized the following few more jewels from the Jewellery shop under the mahazar.



WEB COPY



WP.No.33515 of 2024

<i>Sl.No</i>	<i>Material Description</i>	<i>Quantity</i>	<i>Weight</i>
1	Gold Chain	04	42.900 g
2	Gold Necklace	10	194.200 g
3	Gold Ear Studs	136 pairs	400.900g
4	Gold Dollar	37	75.400 g
5	Gold Mangal Sutra	23	43.700 g
6	Gold Maatal	6 pairs	10.100g
7	Gold Ring	58	167.60g
8	Bracelet	02	12.100g

5. The learned Government Advocate further submits that after completion of preliminary enquiry, it was found that the jewels and cash are not related to the crime and as such all were returned to the petitioner's daughter in the presence of two witnesses. Thereafter, on 24.05.2024, the petitioner was served notice under Section 41A of Cr.P.C for investigation to be held on 27.05.2024 and thereafter the petitioner approached the fifth respondent for amicable settlement with sixth respondent. Accordingly, the petitioner and the sixth respondent had executed memorandum of understanding dated 24.05.2024 and thereby the petitioner accepted the receipt of 7400 grams of pure gold from the sixth respondent and also promised the defacto complainant to execute sale deed in respect of land to an extent of 50 acres situated in Erode District in favour of the sixth respondent. Accordingly, they had



WP.No.33515 of 2024

WEB COPY

entered into an agreement for sale and surrendering the rights over the aforementioned land on 02.09.2024, i.e., after a period of four months from the date of memorandum of understanding.

6. Infact the said property mentioned in the agreement was mortgaged with the Axis Bank, Sai Baba Colony, Coimbatore. Therefore, the petitioner requested the sixth respondent to pay a sum of Rs.1,06,93,907/- towards mortgage loan on the property. Accordingly, the sixth respondent transferred the amount to the tune of Rs.1,06,93,907/- to the petitioner's bank account. Thereafter the petitioner had handed over the original documents , original parent deeds of the subject property in favour of the sixth respondent.

7. The learned counsel appearing for the sixth respondent submits that petitioner is running a jewellery shop at Coimbatore in the name and style of “Kajalakshmi Jewellery”. The petitioner along with his wife running a Chain Manufacturing Factory in the name and style of " BV Chains" . While being so, the petitioner has approached the sixth respondent in lending 10 kgs of pure gold, assuring that double the sum would be repaid within three years. At that juncture,the sixth respondent



WP.No.33515 of 2024

WEB COPY

had possessed only 7400 grams of pure gold which was given to the petitioner and his wife on 14.08.2021. It was also duly acknowledged by the petitioner by issuance of receipt. The receipt was recorded in the presence of the witnesses. However, the petitioner failed to return the same and when the sixth respondent demanded the same, the petitioner had threatened the defacto complainant with dire consequences. Hence, he prays for dismissal.

8. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) and the learned counsel for the sixth respondent and perused the materials available on record.

9. The contentions of the learned counsel for the petitioner that the sixth respondent is highly influential person and he had acquaintance with the political persons and police officers to register a false FIR as against the petitioner under coercion.

10. The sixth respondent also obtained signature in the blank cheques, promissory notes and registered stamp papers, plain sheets and other documents. Thereafter, with the signature of the petitioner, so many documents were fabricated and cheated the sixth respondent.



WP.No.33515 of 2024

WEB COPY

Therefore, the contentions of petitioner cannot be countenanced and the change of investigation cannot be considered.

11. In view of the above, this Court finds no grounds to transfer investigation from the file of the fifth respondent police station to the file of the third respondent. 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.

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

25.03.2025

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



WP.No.33515 of 2024

To
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Kamarajar Salai
Mylapore,
Chennai-600 004.
2. The Commissioner of Police,
Coimbatore City
Coimbatore-641 018
3. The Joint Director
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- 6.C.R.Muthukumar



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WP.No.33515 of 2024

G.K.ILANTHIRAIYAN, J.

Vv

**Pre delivery order made
in
WP.No.33515 of 2024**

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