

Crl.O.P.(MD)No.2986 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

Crl.O.P.(MD)No.2986 of 2025

Premkumar

.. Petitioner

Vs.

1. The Inspector General of Police(South Zone)
Madurai South Zone,
Reserve Line, Race Course Colony
Madurai

2. The Superintendent of Police
Madurai, Surveyor Colony
Madurai District

3. The Inspector of Police
CCD-III Police Station
Madurai

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to transfer the investigation agency in respect of the Crime No.53 of 2024 dated 28.11.2024 on the file of the third respondent to CBCID or any other investigation agency or any other competent officer for fair investigation.

For Petitioner : Mr.G.Sakthi Rao

For Respondents :Mr.M.Karunanithi
Government Advocate(Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to transfer the investigation of the case in Crime No.53 of 2024 on the file of the third respondent to any other investigation agency.

2.The learned counsel appearing for the petitioner would submit that the petitioner was working as a teacher and he has lost Rs.33,00,000/- in a money laundering case by trading online under the name of Zerodha Broking Ltd, Bangalore with proper authorization for investing share market and First Information Report has been registered in Crime No.53 of 2024 by the CCD-III, Madurai District Cyber Crime Police Station and the same is under investigation. The petitioner has credited and investment amount to the person named Zerodha Securities. Various fake accoutns have been mentioned in the First Information Report for trading money from petitioner's account in Madurai District, Thirumangalam Branch. Thereafter the petitioner came to know that he was cheated by online fraud. Thereafter he stopped depositing amount and asked his money back, but the accused started threatening and directed the petitioner to deposit the money again. But the petitioner refused and filed complaint against those online transactions before the third respondent, but they have not



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investigated properly, therefore filed this petition for transfer of the case from the file of the third respondent to CBCID.

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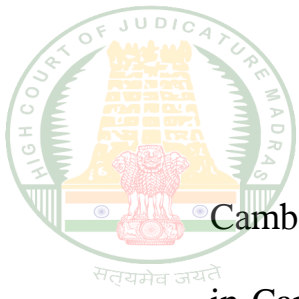
3. The learned Government Advocate(Crl.Side) appearing for the respondents would submit that the complaint was received from the petitioner and thereafter case has been registered and a link was provided to him through which he created a user ID, password and wallet account on a fake app impersonating Zerodha Broking Ltd. He was then instructed to transfer money to various bank accounts provided by the fraudsters for investment based on assigned tasks. A total sum of Rs.33,03,000/- was transferred from his bank account in several installments between 23.10.2024 and 18.11.2024. When he attempted to withdraw his funds, additional payments were demanded. Thereafter he lodged a complaint through National Cyber Crime Reporting Portal seeking an investigation to identify the fraudsters and take legal action to recover the lost money. First Information Report has been registered but the case was taken on file one month later and summons were also issued under Section 35(3) of BNSS to the account holders and replies are awaited. In the meantime they received Court order from the learned Judicial Magistrate No.I, Madurai for reversing the available balance in the Bandhan Bank, UCO



Bank, and the order was communicated to the respective banks through e.mail. However the Bandhan Bank replied that they were unable to remit the mentioned amount as the account had insufficient funds. Therefore they are conducting investigation in a proper manner and there is no any allegation as against the investigation officer and at this stage if the investigation is transferred it will affect the entire investigation, hence the petition is liable to be dismissed.

4. Heard both sides and perused the materials available on record.

5. According to the petitioner he is the defacto complainant in this case and based on the complaint given by him a case has been registered in Crime No. 53 of 2024 and the same is under investigation by the third respondent. While so the third respondent has not conducted investigation and thereby the petitioner has filed the present petition for transfer of investigation. According to the third respondent they registered a case based on the complaint lodged by the petitioner. Now the case is under investigation and the third respondent has sent letter to the concerned bank and also taking steps to trace out the accused. As per the investigation the Internet Protocol addresses provided by whatsapp were traced to



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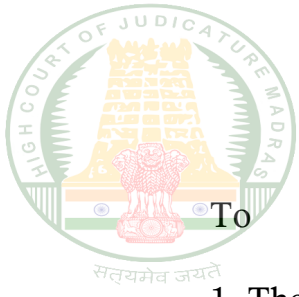
Cambodia and request was sent to the concerned Internet Service Provider in Cambodia and addresses have been obtained for further investigation.

Based on the further investigation the bank account holder details reveal addresses in West Bengal, Assam and Bihar. A CDR request for the mobile numbers linke to the bak accounts is being analyzed. Therefore transfer of investigation of this case at this stage would affect the investigation. As rightly contended by the learned Government Advocate(Crl.Side) there is no any allegation as against the present investigation officer . Therefore the request of the petitioner cannot be considered at this stage.

6. Hence the petition stands dismissed. It is for the third respondent to conduct fair investigation in accordance with law.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Madurai Bench of Madras High Court
Madurai



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P.DHANABAL,J.

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