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CrI.O.P.(MD)No.4165 of 2025

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2025

CORAM:

THE HONOURABLE DR JUSTICE R.N.MANJULA

CrI.O.P(MD).No.4165 of 2025
and CrI.M.P(MD).No.2943 of 2025

N.Selvakumar

... Petitioner /Defacto
complainant

Vs

- 1.The State of Tamil Nadu
rep., by The Director General of Police,
Government of Tamil Nadu,
O/o., Director General of Police,
Beach Road, Chennai.
- 2.The Director,
Central Bureau of Investigation (CBI),
Head Office, Plot No.5-B, CGO Complex,
Lodhi Road, New Delhi.
- 3.The Joint Director,
Central Bureau of Investigation (CBI)
ACB Madurai, No.73, Athikulam Main Road,
Reseveline Post, Madurai.
- 4.The Inspector of Police,
CCD III Police Station,
Virudhunagar District.
Crime NO.19 of 2024

... Respondents

PRAYER: Petition filed under Section 528 of BNSS, 2023 to direct the first respondent to withdraw the investigation in Crime No.19 of 2024 on the file of the fourth respondent dated 19.06.2024 and entrust the same to



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the third respondent for an investigation of the case by a competent officer and file a final report before the jurisdictional Magistrate within the time stipulated by this Court.

For Petitioner : Mr.T.Seeni Syed Amma
for M/s.Roy and Roy Associates

For Respondents : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor (for R1 & R4)

Mr.C.Muthusaravanan
Special Public Prosecutor for CBI Cases
(for R2 & R3)

ORDER

This criminal original petition is filed seeking for a direction to the first respondent to withdraw the investigation in Crime No.19 of 2024 on the file of the fourth respondent dated 19.06.2024 and entrust the same to the third respondent for investigating the case by a competent officer and file a final report before the jurisdictional Magistrate within the time stipulated by this Court.

2. The petitioner, who is the victim, had lodged a complaint on the allegation that the accused persons had defrauded the amount of Rs.1,22,20,000/- under the pretense of online trading.



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3. It is the contention of the petitioner that during the course of investigation, the Inspector of Police has so far recovered only Rs.10,03,000/-, and the remaining amount is yet to be traced and recovered. It is his further contention that although the accused were initially remanded to judicial custody, they have subsequently been released on statutory bail. The grievance of the petitioner is that the investigation has not been concluded though the offence is serious and huge sum remains to be unrecovered. Hence, the petitioner has filed this petition seeking transfer of investigation.

4. The learned counsel for the petitioner submitted that the nature of crime is Inter-State and digitally complex, as the scam spans multiple states, involves cross-jurisdictional bank accounts, digital wallets, whatsapp numbers, and IP-traced financial instruments. Hence, the bank account of the accused persons should be freezed, but the respondent police has not taken any steps, eventhough a detailed representation was given to the higher authorities, respondents 1 and 3.

5. When the matter taken up for hearing on 30.06.2025, Mr.C.Muthusaravanan, learned Special Public Prosecutor for CBI Cases, submitted that as per the Central Vigilance Commission circular, dated 12.06.2012, the economic offences can be referred to CBI only if the amount involved ranges between Three Crores and Fifteen Crores. For the



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sake of clarity, the scanned copy of the circular is reproduced hereunder.

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No.007/VGI/050(part)
Central Vigilance Commission

12 00787
Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated the 12th June, 2012

Circular No 12/06/12

Subject: Reporting of fraud cases to police/State CIDs/Economic Offences Wing of State police by public sector banks.

In partial modification of Commission's circular No. 30/8/10 dated 17.8.2010, it has been decided to enhance the threshold limit for reporting of Bank fraud cases by Local Police/ State Police and CBI. Henceforth following monetary limits would be followed to refer financial fraud investigations to the BS&FC unit of the CBI and the Local /State police:-

Cases to be referred to CBI

- a). Cases of ₹3 crore and upto ₹15 crore:-
- Where staff involvement is prima-facie evident CBI (Anti-Corruption Branch)
 - Where staff involvement is prima-facie not evident CBI (FOW Branch)
- b). All cases of ₹15 crore and above BS&FC Unit of CBI

Cases to be referred to the Local/ State Police

Cases below ₹3 crore Local police/ State police.

2. Other provision contained in Commission's circular referred above would remain unchanged.
3. Relevant provisions of para 6.3 of the Special Chapter on Vigilance Management in Public Sector Banks stands amended to that extent.

(Madhu Sham)
Deputy Secretary

To

(1) Deputy Governor, RBI, (2) Director, CBI, (3) CVO, M/o Finance (D/o Financial Services); (4) All CMDs/Chief Vigilance Officers of Public Sector Banks; (5) Chairman & All Members of Advisory Board on Bank, Commercial & Financial Frauds (ABBCFF).



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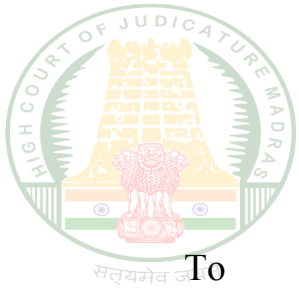
6. When the matter came up for hearing, the learned Additional Public Prosecutor, submitted that the investigation is in progress and it is assured that the investigation will be completed and charge sheet will be laid shortly.

7. Considering the submission of the learned Additional Public Prosecutor that the investigation is in progress and final report will be filed shortly and taking into account of the fact that the amount involved in this offence does not exceed the limit of Rs.3,00,00,000/- in order to refer it to the CBI for further investigation, I feel appropriate direction to be given to the fourth respondent.

8. Accordingly, this Criminal Original Petition is disposed of. The fourth respondent is directed to complete the investigation in Crime No.19 of 2024 and file a final report within a period of three months from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed.

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NCC :Yes/No
Index:Yes/No
Rmk



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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.R.N.MANJULA. J.

Rmk

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