



CrI.O.P.(MD)No.10679 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.06.2025

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.10679 of 2025
and CrI.M.P.(MD)No.8025 of 2025

R.Ramachandran

... Petitioner

versus

1. State of Tamilnadu rep. by
The Deputy Superintendent of Polcie,
Economic Offences Wing,
Chandrapandiyar Nagar,
Madurai – 14.

2. The Inspector of Police,
Economic Offences Wing,
Madurai.

3. Jeyasankareeswaran

4. Karthikeyan

... Respondents

Prayer : Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records of the impugned FIR in Crime No.3 of 2023 on the file of the 2nd respondent dated 20.06.2023 and quash the same insofar as the petitioner is concerned.



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For Petitioner : Mr.V.Kathirvelu,
Senior Counsel
for Mr.K.Prabhu

For R1 and R2 : Mr.P.Kottaichamy,
Government Advocate (CrI. Side)

ORDER

The petitioner is the accused No.171 in Crime No.3 of 2023 registered on the file of the respondent Police for the offence under Sections 406, 420, 120(b) IPC and Section 5 of TNPID Act, 1997 and Sections 3, 4, 5, 21(1)(2)(3), 22, 23 and 25 of BUDS Act 2019. He has moved this petition seeking to quash the said proceedings pending against him.

2. The learned Senior Counsel for the petitioner submits that the petitioner is a victim and he also deposited a sum of Rs.5 crore in the Neomax Properties Pvt. Ltd. Instead of showing him as a victim and witness, the respondent Police has wrongly fixed him as an accused based on the statement of one Karthikeyan. The respondent has also produced the petitioner along with the remand report before the TNPID Court, Madurai. The TNPID Court, Madurai, considered the materials as



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against the petitioner and refused to remand him. The learned Senior Counsel has also relied on the remand report of the petitioner before the TNPID Court, Madurai, dated 17.04.2025.

3. The learned Additional Public Prosecutor admits that the petitioner deposited some amount in the Neomax Properties Pvt. Ltd. Apart from that, the petitioner has also acted as an Agent. He further submits that the respondent Police is conducting the investigation. During the investigation, they have collected certain materials, which disclose that the petitioner was working as a Sector Head. Therefore, they have not taken any steps to delete the petitioner in Crime No. 3 of 2023 at this stage. He further submits that they would find out as to whether the petitioner has acted as an Agent and collected the amount on behalf of Neomax Properties Pvt. Ltd. and thereafter, they would take further course of action.

4. The learned Additional Public Prosecutor has also relied on the order of this Court in CrI.O.P.(MD)No.6041 of 2025 filed by one A.Karthikeyan and five others and submits that the said A.Karthikeyan



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and five others have lodged a complaint that one Dhayalan and this petitioner, namely, Ramachandran, have acted as Agents and collected amount from them to the tune of Rs.38.5 lakhs. With this averments, they have filed a petition before this Court in Crl.O.P.(MD)No.6041 of 2025 seeking a direction to the Economic Offences Wing to implicate the said Dhayalan and Ramachandran as accused in Crime No.3 of 2023. After hearing both sides, this Court, by its order dated 02.04.2025, has passed an order as under:

“4. Considering the prayer sought for in this petition, recording the above said submission of the learned Government Advocate (Crl. Side), this Court directs the petitioners to approach the fifth respondent by producing the records available with them in respect of the implication of the above said persons, namely, Dhayalan, Ramachandran and Venkatesan and also the list of properties and if any such documents produced by the petitioners, the fifth respondent has to consider the same during investigation and to take appropriate action in accordance with law.”

Therefore, they have recorded the statement of the said Karthikeyan and five others. As per their statements, one G.Karthick deposited a sum of



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Rs.8,00,000/-, N.Saravanakumar deposited a sum of Rs.9,00,000/-, A.Sureh deposited a sum of Rs.6,00,000/-, N.Pragadeswaran deposited a sum of Rs.9,50,000/- and A.Karthikeyan deposited a sum of Rs.6,00,000/- at the instance of the petitioner.

5. The learned Senior Counsel disputed the submissions of the learned Additional Public Prosecutor and submits that the said Karthikeyan and five others have deposited the amount directly to the Director of the Finance Company and not through the petitioner. However, the records have been created as against the petitioner as if they have deposited the amount at the instance of the petitioner. Therefore, according to the learned Senior Counsel, the investigation is not being conducted in a fair manner.

6. This Court considered the rival submissions made.

7. The petitioner claims that he is a victim in Cr.No.3 of 2023 and he also deposited a sum of Rs.5 crore in the Neomax Properties Pvt. Ltd. However, he has been added as accused in Crime No.3 of 2023. The



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petitioner was also arrested and remanded before the TNPID Court.

However, considering the materials placed against the petitioner, the trial Court, by recording reasons, has refused to remand the petitioner. On this ground alone, this Court is not inclined to quash the FIR proceedings pending against the petitioner. Further, since this case is at the stage of investigation, expecting a fair investigation from the respondent Police, this Court is not inclined to interfere with the investigation by entertaining this petition.

8. The investigation is a process to find out the truth. The investigation officer is not expected to conduct the investigation in a mechanical manner based on the complaint and witnesses placed by the complainant. The investigating agency shall also consider the grounds raised by the petitioner in this petition during the course of investigation and find out the truth and if there is any *prima facie* material as against the petitioner, then, the respondent Police shall proceed as against the petitioner. In the event, if there is no material as against the petitioner and he is a victim, the respondent Police shall take a call on the role of the petitioner as an accused or as a victim in Crime No.3 of 2023.



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9. Though the case was registered in the year 2023, the respondent Police is not justified in keeping the complaint at the stage of investigation for the past two years. The respondent Police shall take some initiative to conclude the investigation at the earliest.

10. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

25.06.2025

Index : Yes / No.
Internet : Yes / No.
NCC : Yes / No.
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To

1. The Deputy Superintendent of Polcie,
Economic Offences Wing,
Chandrapandiyar Nagar,
Madurai – 14.
2. The Inspector of Police,
Economic Offences Wing,
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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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