

Crl.O.P.(MD)No.11457 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11457 of 2025 and
Crl.MP(MD) No.8676 of 2025

P. Rajasekar

... Petitioner

Vs

1.The State of Tamilnadu,
Rep by the Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.
Crime No.71/2025.

2.Mariya Rasathi

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, to call for the records relating to the impugned FIR in Crime No.71/2025 dt.22.01.2025 on the file of the 1st Respondent Police and quash the same.

For Petitioner
For R1

: Mr.Aayiram K.Selvakumar
: Mr.P.Kottaichamy
Government Advocate (Crl.side)



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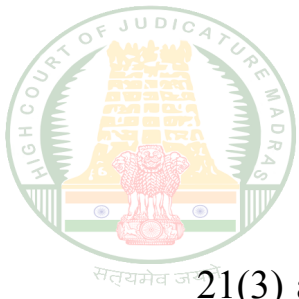
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ORDER

The petitioner/A2 in Crime No.71 of 2025, on the file of the first respondent has approached this Court, to quash the above proceedings pending as against him.

2.The second respondent/defacto complainant has lodged a complaint as against this petitioner that on the assurance given by the petitioner, the defacto complainant and her son had deposited a sum of Rs.30,00,000/- in one Finance Company, run by one Maruthirajan. Since the amount has not been returned as assured by the petitioner, the defacto complainant has questioned the same, for which, the petitioner and his son have intimidated her. Hence, the case.

3.The learned counsel for the petitioner submits that this petitioner is also one of the victims at the hands of one Maruthirajan. Based on the complaints lodged by several depositors, a case in Crime No.3 of 2024 has been lodged as against the said Maruthirajan by the Economic Offences Wing, Tenkasi, for the offence under Sections 21(1),



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21(3) and 23 of Banning of Unregulated Deposit Schemes Act (BUDS).

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According to the petitioner, though the defacto complainant alleged that this petitioner has intimidated her, there is no mentioning of the date and time of the alleged occurrence. He further submits that the petitioner is a resident of Padugapathu, Tuticorin, within the limits of Padugapathu Police Station, whereas the defacto complainant has lodged a complaint before the Thisayanvilai Police Station. The Inspector of Police, Thisayanvilai Police Station, without ascertaining the place and time of occurrence has mechanically registered the case. Moreover, for the occurrence said to have taken place on 01.07.2022, the complaint has been registered on 22.01.2025. The learned counsel has also relied on his representations and submits that the petitioner has narrated the sequence of the events and submitted a representation to the investigation agency. However, the respondent police has not considered his representation.

4.During the course of the arguments, the learned counsel appearing for the petitioner confined his relief to issue a direction to the respondent police to ascertain the truth and thereafter to take a decision in Crime No, 71 of 2025.



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5.This Court considered the submissions of the learned counsel for the petitioner.

6.The investigating Officer is not supposed to conduct the investigation in a mechanical manner based on the statement made by the defacto complainant and the witnesses, if any, produced by the defacto complainant alone. The respondent police shall also consider the representation of this petitioner and the materials, if any, produced by him. The respondent police shall conduct the investigation in Crime No. 71 of 2025, in a fair manner and thereafter take a decision.

7.With the above observations and direction, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

08.07.2025

NCC : Yes/No
Index : Yes/No
vrn



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The Inspector of Police,
Thisayanvilai Police Station,
Tirunelveli District.



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B.PUGALENDHI,J

vrn

Order made in
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