



Crl.O.P.(MD) No.908 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD) No.908 of 2025

and

Crl.M.P.(MD) No.622 of 2025

Sugitha

... Petitioner

Vs.

- 1.The Inspector General of Police,
Central Zone,
Tiruchirappalli.
- 2.The Superintendent of Police,
Karur.
- 3.The Deputy Superintendent of Police,
Kulithalai Division,
Karur District.
- 4.The Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.942/2021)

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records pertaining to C.C.No.112 of 2022 on the file of the Judicial Magistrate Court No.II, Kulithalai and set aside the same and consequently direct any other independent agency as directed by this



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Court to conduct further investigation in Crime No.942 of 2021 pending on the file of the fourth respondent and file final report afresh.

For Petitioner : Mr.K.K.Udayakumar

For Respondents : Mr.A.Thiruvadi Kumar
Additional Government Pleader

ORDER

This Criminal Original Petition has been filed under Section 528 of BNSS, 2023, seeking to call for the records pertaining to C.C.No.112 of 2022 on the file of the Judicial Magistrate Court No. II, Kulithalai, and to set aside the same. The petitioner further seeks a direction to appoint an independent agency to conduct further investigation in Crime No.942 of 2021 pending on the file of the fourth respondent, and to file a final report afresh.

2. The petitioner is the de facto complainant. Based on the petitioner's complaint, a case in Crime No.942 of 2021 was registered for offences punishable under Sections 376(2)(i), 294(b), 354B, 406, 420, and 506(1) of the IPC against five persons. Subsequently, on completion of the investigation, the charge sheet was prepared on 18.07.2022 and filed before the learned Judicial Magistrate No.II, Kulithalai in C.C.No.112 of

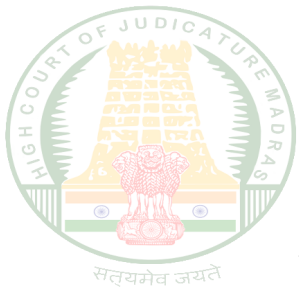


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2022, on 10.10.2022, for offences punishable under Sections 294(b), 406, 420, 506(1), 120B, and 323 of the IPC, listing 13 witnesses.

3. Though some of the offences were dropped at the time of filing the charge sheet, no notice was given to the petitioner. As a result, the petitioner was unaware of the stage and status of the charge sheet at the time of taking cognizance. Later, the petitioner came to know that the investigation had not been conducted properly.

4. Although the offences punishable under Sections 406 and 420 were included, the vital documents, which would go to show that the first accused, who is also the authorized signatory of M/s. Preethi Home Appliances, misappropriated a large sum of money and cheated the petitioner, were not considered. The first accused, by fraudulently obtaining the petitioner's signature and misusing it, changed the name of the proprietor of the company to his brother-in-law, who is the third accused. The third accused then changed the name of the shop to M/s.Preethi Furniture and Electronics on 18.08.2021. When the petitioner inquired about this, the accused drove the petitioner out of the shop.



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5. The petitioner is in possession of documents that prove she is the proprietor of the shop. She has produced Income Tax Returns for the Assessment Years 2016-2017 and 2017-2018, which would go to show that M/s Preethi Home Appliances is a proprietary concern and the petitioner is the proprietor, paying the necessary taxes and the name of the concern, M/s.Preethi Home Appliances, was changed to M/s.Preethi Furniture and Electronics. The petitioner has also been taking business loans from the SBI, for which proof has been provided.

6. Thus, a substantial amount from M/s.Preethi Home Appliances has been misappropriated by the accused, who changed both the proprietor and the name of the proprietary concern. This fact has not been considered and does not form part of the charge sheet. Hence, the petitioner has filed this petition.

7. The learned Additional Public Prosecutor appearing for the respondents submitted that, on going through the statement of the petitioner, L.W.1, it is seen that an amount of Rs.20,00,000/- has been misappropriated and cheated from the business establishment, and this has been recorded. He fairly submitted that the documents produced by the



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petitioner do not form part of the charge sheet, but these documents may be required to substantiate the charge sheet against the accused.

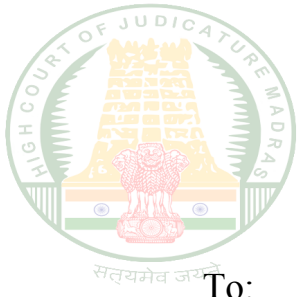
8. In view of the above, this Court directs the Deputy Superintendent of Police, Kulithalai Division, to carry out further investigation, collect the necessary documents, and record the statements not only of the petitioner but also of other relevant witnesses, if required. After completing the investigation, the Deputy Superintendent of Police shall file a supplementary charge sheet in this case. This exercise shall be completed within a period of three months from the date of receipt of a copy of this order. Until then, the further proceedings in C.C.No.112 of 2022, on the file of the Judicial Magistrate Court No. II, Kulithalai, are hereby stayed.

9. Accordingly, this Criminal Original Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed.

21.01.2025

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order/Non-Speaking Order

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- 2.The Inspector General of Police,
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Tiruchirappalli.
- 3.The Superintendent of Police,
Karur.
- 4.The Deputy Superintendent of Police,
Kulithalai Division,
Karur District.
- 5.The Inspector of Police,
Kulithalai Police Station,
Karur District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

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