

Crl.O.P(MD) No.22088 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD) No.22088 of 2024

V.Shanmugam

...Petitioner

/Vs/

1.The Joint Director of CBI,
CBI (Central Bureau of Investigation)
Sastribhavan, Nungambakkam,
Chennai.

2.The Superintendent of Police,
CBI/ACB (Anti Corruption Branch)
73. Aathikulam Main Road,
Preserve Line, Madurai.

3.The Inspector of Police,
EOW (Economic Offences Wing)
Madurai Branch, Madurai.
(In Crime No.7 of 2022)

... Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to transfer the investigation in Crime No.7 of 2022 on the file of the 3rd Respondent/ EOW (Economic Offences wing) police, Madurai Branch, Madurai to CBI/1st Respondent by way of considering the petitioner's representation, dated 05.12.2024.



WEB COPY



Crl.O.P(MD) No.22088 of 2024

For Petitioner : Mr.S.Sivakumar

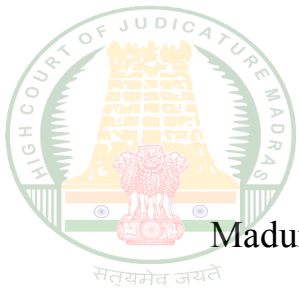
For Respondents : Mr.C.Muthusaravanan (R1-R2)
Special Public Prosecutor

Mr.M.Sakthi Kumar (R3)
Government Advocate (Crl.Side)

ORDER

The Criminal Original Petition has been filed to transfer the investigation in Crime No.7 of 2022 from the file of the Respondent Police / EOW (Economic Offences wing) police, Madurai Branch, Madurai to the file of CBI/1st Respondent.

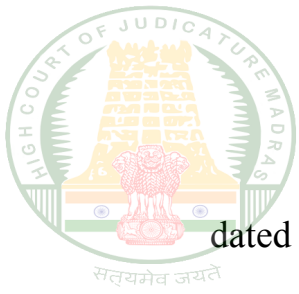
2.The learned counsel for the petitioner would submit that the defacto complainant/Chandra lodged a complaint before the Superintendent of Police, Sivagangai, alleging that she and others have deposited money before New Raise Alayam, Karaikudi and the same was not duly returned to them after its maturity. Thereafter, it was forwarded to the District Crime Branch, Sivagangai and a case was registered in Cr.No. 13 of 2022 for the Offences under Sections 120(B), 406, 420, 468, 471 IPC against the said company and 46 others. Later, based on the direction of this Court in Crl.O.P(MD) No.8492 of 2022, dated 28.04.2022, the case was transferred to the Economic Offences Wing,



Crl.O.P(MD) No.22088 of 2024

Madurai and a case in Cr.No.7 of 2022 was registered. After transferring the case from District Crime Branch to Economic Offences Wing, Madurai some persons have been inducted as accused and some of them got anticipatory bail and some of them were arrested and got regular bail, but there is no change happening in the matter of investigation. More than 2000 investors have invested in the Company, around 300 persons were working for that company and the amount involved in this case is around 200-300 crores. Already, the petitioner has no hope over the Economic Offences Wing, Madurai, since three years period have lapsed and there is no significant progress in the investigation. Hence, prays to transfer the investigation in this case from the file of Economic Offences Wing, Madurai to the file of first respondent.

3.The learned Government Advocate (Crl.Side) would submit that based on the complaint of the defacto complainant, the respondent police has registered a case in Cr.No.7 of 2022 and investigation in this case is under progress. Initially, a case was registered in Cr.No. 13 of 2022 for the Offences under Sections 120(B), 406, 420, 468, 471 IPC against the said Company and 46 others and later, as per the direction of this Court in Crl.O.P(MD) No.8492 of 2022,



Crl.O.P(MD) No.22088 of 2024

dated 28.04.2022, the case was registered by Economic Offences Wing, Madurai in Cr.No.7 of 2022. On 23.08.2022, the case was transferred to Sivagangai Economic Offences Wing in Cr.No. 7 of 2022 for the offence under Sections 406, 420, 468, 471, 120(B) IPC r/w Section 5 of TNPID Act, 1997 and as ordered by this Court, the investigation was entrusted to the Deputy Superintendent of Police, Ramanathapuram on 14.10.2022. During the course of investigation, 2950 complaints were received, 82 documents, 12 Immovable documents, 7 motor cars, gold jewels, cash of Rs.1,710/-, 30 electronic devices, 124 account books, 7 rubber stamps, 2 lockers, one Hard Disc and one pen drive were recovered and handed over to the learned Special Judge for TNPID Act Cases, Madurai. In this case, one Raja, who is the kingpin was arrested on 03.09.2022 and he was also enlarged on bail. Thereafter, they have also obtained details of documents from A4 and A5 and steps have been taken to attach the properties, worth about Rs.1.15 crores. Therefore, investigation is going in a right direction and there is no specific allegation levelled against the investigation agency. Hence, seeking transfer of investigation will affect the fair investigation in this case and hence, the petition is liable to be dismissed.



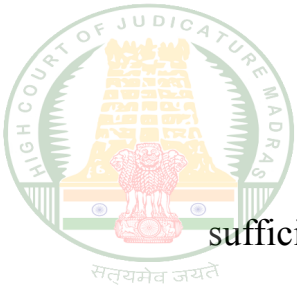
WEB COPY

4.Heard the learned counsels appearing on either side and perused the materials available on record.

5.In this case, the learned counsel appearing for the petitioner seeks transfer of the investigation on the ground of pending investigation, without any progress.

6.The main ground raised by the petitioner is that the case is under investigation without any further progress. As far as Economic Offences Wing are concerned, since huge amounts involved in this case and so many complaints are being received by the respondent police, they have to investigate the matter carefully and it needs some time. Merely due to delay in investigation is not a sole ground to transfer the investigation. Apart from that, there is no valid ground raised by the petitioner to transfer the investigation.

7.This Court in an earlier occasion, after considering all the facts, transferred the case from the file of District Crime Branch to Economic Offences Wing, Madurai. Therefore, without any valid and



Crl.O.P(MD) No.22088 of 2024

sufficient reasons, investigation cannot be transferred. More over, the present investigation officer is doing investigation in a fair and proper manner and identified some of the properties and taking steps to attach the properties identified by them before the concerned Court. At this stage if the investigation is transferred, it will again cause delay. Therefore, in the interest of public money involved in this case, it is not appropriate to transfer the investigation.

8.In view of the aforesaid discussions, this Court is of the opinion that there is no merits in the petition and the same is deserves to be dismissed.

9.Accordingly, the Criminal Original Petition is dismissed.

30.04.2025

Index :Yes/No
Internet: Yes/No
NCC :Yes/No
PNM



Crl.O.P(MD) No.22088 of 2024

WEB COPY

To

1. The Joint Director of CBI,
CBI (Central Bureau of Investigation)
Sastribhavan, Nungambakkam, Chennai.

2. The Superintendent of Police,
CBI/ACB (Anti Corruption Branch)
73. Aathikulam Main Road, Preserve Line,
Madurai.

3. The Inspector of Police,
EOW (Economic Offences Wing)
Madurai Branch, Madurai.

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



WEB COPY



Crl.O.P(MD) No.22088 of 2024

P. DHANABAL, J.

PNM

ORDER IN
Crl.O.P(MD) No.22088 of 2024

30.04.2025