IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.01.2026

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THE HONOURABLE MR. JUSTICE **M. NIRMAL KUMAR**

Crl.O.P.No.33622 of 2025
and
Crl.M.P.Nos.23498 & 23500 of 2025

Duraikannu Veerasakthi
Director,
Neo Max Properties Pvt. Ltd.,
Ricky Towers, 3rd Floor,
Subramaniam Pillai Street,
S.S.Colony, Madurai – 625 106. …. Petitioner

Vs

1.State of Tamil Nadu,
The Inspector of Police,
Vigilance and Anti-Corruption,
City Special Unit-III,
Chennai – 600 016.
(Crime No.11/AC/2018/CC/II)

2.Deputy – Superintendent of Police,
Vigilance and Anti Corruption,
Udhagamandalam,
Nilgiris – Dt. …. Respondents

Prayer: Criminal Original Petition filed under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to call for the records relating to proceedings in Spl.S.C.No.03 of 2025 on the file of the learned Principal District and Sessions Judge, Chengalpattu and quash the same as against the petitioner.

For Petitioner : Mr.K.Karnan
for Mr.R.Chakkaravarthy

For Respondents : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

In continuation of the earlier order passed by this Court dated 09.12.2025, today the learned Government Advocate (Crl.Side) filed a counter and produced documents, such as Fixed Deposits receipts of Neo max Properties Private Limited (hereinafter referred to as “Neo Max”) standing in the name of S.Yasmeen/A2 and her son and daughter. Further, he also produced a letter submitted by the Neo Max. From the said letter, it is seen that A2/S.Yasmeen and the son and daughter of A1 and A2, namely Mohamed Irfan and A.Harisha Fathima, all three associated with Neo Max and A.Harisha Fathima as Marketing Associate and S.Yasmeen and Mohamed Irfan as Sub Associates. As Marketing Associate and Sub Associates, they collected booking advance amounts for real estate projects and receipts were issued in the names of the Marketing Associate and Sub Associates.

2. A2/S.Yasmeen had collected and paid as part booking advance amount of Rs.1,04,00,000/-, Mohamed Irfan Rs.55,50,000/- and A.Harisha Fathima Rs.15,00,000/-. Subsequently, all the three persons, stating

unavoidable reasons, unable to continue the association with Neo Max and requested amounts invested as part booking advance to be repaid and an amount of Rs.1,75,50,000/- returned and repaid. The booking advance amount in the name of S.Yasmeen to the tune of Rs.11,99,000/-, S. Mohamed Irfan Rs.2,00,000/- and A.Harisha Fathima Rs.2,00,000/- are retained in Neo Max accounts. Earlier Neo Max had a down slide in business and made one time payments to its customers. As regards the above three persons amounts retained since communication received from Vigilance and Anti Corruption to withhold.

3. Further, the learned Government Advocate (Crl.Side) submitted that one S.Balasubramanian, the Managing Director of Neo Max, was examined on 20.06.2022, who confirmed the role of the petitioner and other accused, viz., A2 and her son and daughter, in the investments made in Neo Max. During investigation, S.Yasmeen enquired, who claimed she collected Rs.1,75,50,000/- from 85 customers including her family members and made deposits, further the amounts were repaid to the customers but it is her defence. During investigation, it was found that there was no such customers and no details of their investments proved. Investigation confirmed that it is a false claim.

4. He further submitted that in this case, A3 on 14.11.2013 had started the business of Neo Max Properties Private Limited and he was Managing Director till 09.05.2018. During this period, accommodations made in collusion with other accused in this case. Thus, it is clear that 85 the customers, who are projected as genuine, are only imaginary and it is for the purpose of projecting ill-gotten money as untainted money. This accommodation abetted by the petitioner. Hence, he is arrayed as an accused.

5. Considering the submissions and perusal of the materials, it is seen that it is not in dispute that the petitioner/A3 was the Managing Director of Neo Max during the relevant period. Further though it is projected huge sum of Rs.2,00,08,000/- deposited with Neo Max by A2, her son and daughter, as though the said money collected from 85 customers, but no details of 85 customers could be provided. Further it is not in dispute that during the house search, Neo Max bills during the period 2016-17 seized, confirming huge deposits in the name of S.Yasmeen, A.Harisha Fathima and S.Mohamed Irfan. During investigation, it is found, no corresponding accounts available for receipt and repayment. The petitioner was the Managing Director during this period and it is only an accommodation to deceive and to project the ill-gotten money as untainted one.

6. In view of the above, the petitioner arrayed as A3 abettor in this case. The contention of the petitioner that he was not given an opportunity to offer his explanation. The petitioner admits he was on run and not available due to other business entanglement with law enforcement agencies. In such circumstances, non availment of opportunity to explain is attributable to the petitioner, and it is his own making. If at all the petitioner has got any explanation to show that he has not abetted, the same can be raised before the trial Court. It is for the petitioner to approach the Trial Court to make such plea at the appropriate stage.

7. In view of the above, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. It is made clear the observations made herein is to the limited purpose in disposing the above petition. The Trial Court to decide the petitioner's contention if any independently on its own merits.

29.01.2026

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
Speaking/Non-speaking order
Lpp

To

1.The Inspector of Police,
Vigilance and Anti-Corruption,
City Special Unit-III,
Chennai – 600 016.
(Crime No.11/AC/2018/CC/II)

2.Deputy – Superintendent of Police,
Vigilance and Anti Corruption,
Udhagamandalam,
Nilgiris – Dt.

3.The Public Prosecutor,
High Court, Madras.

M. NIRMAL KUMAR, J.

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