



1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 24/04/2023

CORAM

The Hon'ble Mr.Justice **G.ILANGOVAN**

WP (MD) No. 6192 of 2023

and

WMP (MD) No. 5898 of 2023

The Branch Manager,
Muthoot Finance Ltd.,
Sellur Branch,
Sellur,
Madurai-625 002.

: Petitioner

Vs.

1.The Assistant Commissioner of Police,
Temple Limit,
Madurai City,
Madurai.

2.Mrs.Annalakshmi

3.Mrs.Deepa

4.Mrs.Deepika Balaguru

5.M.Ramkumar

(R5 impleaded vide Court order,
dated 13/04/2023 in WMP (MD) No.7089
of 2023 in WP (MD) No.6192 of 2023) : Respondents

PRAYER:- This Writ Petition has been filed under Article 226 of the Constitution of India to call for the impugned notification passed by the 1st respondent under Proceedings No.Nil, dated 15/03/2023 and both relating to the jewels pledged by the Respondents 2 to 4 and to quash the same as illegal and further forbear the respondent No.1 from seizing the jewels pledged by the respondents 2 to 4 which is within the writ petitioner and to pass such or further orders.



For Petitioner : Mr.K.R.Laxman
For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor
For R2 to R4 : No appearance
For 5th Respondent : Mr.K.Jeyamohan

O R D E R

This writ petition has been filed seeking quashment of the impugned notification passed by the 1st respondent under Proceedings No.Nil, dated 15/03/2023 and further forbear the respondent No.1 from seizing the jewels pledged by the respondents 2 to 4.

2.Heard both sides.

3.Even before going to the grievance that has been expressed by this petitioner, this court made it clear to the petitioner that when the allegation of pledging the stolen jewels with the petitioner is made, her duty is to cooperate with the Investigating Officer to complete process of investigation.

4.The learned counsel appearing for the petitioner would submit that the petitioner is ready to cooperate



with the Investigating Officer. But he would submit that in the light of the precedent that she is available on this issue, she cannot be compelled to hand over the jewels to the Investigating Officer, since she may lose the money, which was borrowed by the persons, who pledged the jewels.

5. When a similar issue arose between the parties, the following observation has been made in CrI.OP(MD)No. 6164 of 2023, dated 06/04/2023 (Pandi Selvi Vs. The Inspector of Police, D1, Thallakulam Police Station, Thallakulam, Madurai and two others) like this:-

"8.No doubt that there are some precedent in this matter, But I do not want to go into this aspect now. Because the investigation process cannot be stalled on any ground, when the stolen jewels are available in the hands of a particular person disregarding his status, condition and nature of the possession, the above said jewels must be returned to the owner, who is the victim



WEB COPY



at the conclusion of the trial process. The pledgee, in such cases only can proceed against the pledgor and certainly not against the victim. So that sort of right can be worked out by the petitioner somewhere else through appropriate proceedings, which we are not concerned herewith. But one thing is to be mentioned, since the petitioner stated to be the pledgee, the identification of the jewels must be undertaken by the Investigating Officer and for that purpose, she must cooperate. Let the Investigating Officer along with the de-facto complainant visit the petitioner's office and the petitioner must hand over all the jewels to the Investigating Officer for the purpose of identification. After identification is over, proper photos showing each items separately must be taken. A list must also be prepared, in which, the petitioner, the Investigating Officer as



WEB COPY



5

well as the de-facto complainant must sign. It must be prepared in triplicate. One copy must be given to the petitioner. Another copy may be retained by the Investigating Officer on the file. The 3rd copy must be submitted to the concerned court. After verification and identification of the jewels, it must be returned back to the petitioner for safe custody till the disposal of the case. The petitioner may not and should not auction the jewels at any cost. The petitioner is liable to produce the same to the court as and when demanded."

6.The present situation also like that of the above said case, so no discussion or consideration is required. I am of the considered view that by following the above said case, this writ petition is also disposed of with a direction to the respondents herein and the petitioner also to follow the instructions or guidelines, as the case may be, mentioned in the above said case.



6

7. With the above said direction, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

24/04/2023

Index: Yes/No
Internet: Yes/No

er

To,

1. The Assistant Commissioner of Police,
Temple Limit,
Madurai City,
Madurai.

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



WEB COPY



7

G.ILANGOVA, J

er

WP (MD) No. 6192 of 2023

24/04/2023



WEB COPY

