



W.P(MD)No.6780 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.03.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.6780 of 2023

1. Dhayal

2. Dravida Ponmalar

... Petitioners

Vs

1. The Inspector of Police (L and O),
C-2 Subramaniyapuram Police Station,
Madurai City.

2. The Inspector of Police,
CBCID, Madurai.

3. The Manager,
Repco Bank, Alagammal Complex,
Villapuram, Aruppukottai Road, Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third respondent to permit the petitioners to redeem the gold jewels pledged by the petitioners vide Gold Jewels Loan nos. 14999, 4773, 11222, 11699, 4146, 11885, 10330, 21511, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555 and



W.P(MD)No.6780 of 2023

WEB COPY

For Petitioner : Mr.C.Mayilvahana Rajendiran
For R1, R2 : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.N.Muthu Vijayan
Special Government Pleader
For R3 : Mr.N.Dilip Kumar
Standing Counsel

ORDER

The Writ Petition has been filed in the nature of Mandamus, seeking a direction against the third respondent to permit the petitioners, who are two sisters, to redeem the gold jewels pledged by the petitioners in Gold Jewels Loan Nos. 14999, 4773, 11222, 11699, 4146, 11885, 10330, 21511, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555 and 14618.

2.The first petitioner is the wife of V.P.Pandi. For quite grave offences, the first and second respondents herein have registered an FIR against her husband and he went absconding. Since he is absconding, a Proclamation Order has been passed under Section 81, 82 of Cr.P.C by the concerned Judicial Magistrate and thereafter, following due procedure,



W.P(MD)No.6780 of 2023

immovable properties came to be attached. Among the other properties, the jewels pledged with the third respondent were also freezed. The petitioners could not have redeem the jewels.

3.Subsequently, the first and second respondents had secured the husband of the petitioner herein. In view of the provision under Section 85(3) of Cr.P.C, the Sessions Court had reversed the order of the Judicial Magistrate and released the attachment of immovable property. The petitioners could very well have sought for redemption of jewels at that time.

4.Now, this writ petition had been filed to redeem the jewels pledged with the third respondent. When the jewels were pledged, there was a contract between the third respondent and the petitioners. The Writ Court cannot interfere with the same.

5.The learned Additional Advocate General, who appear on behalf of the first and second respondents had stated that consequent to investigation, final report had been filed and taken cognizance and the matter had been committed to the Court of Sessions. In that case, some of the



W.P(MD)No.6780 of 2023

accused are absconding and charges have to be framed. Further, he stated that as per the written instructions the jewels cannot be treated as proceeds of crime.

6. Therefore, the third respondent is free to take a decision in this regard, of course on the basis of the terms of contract between the parties. The interest has been running and the amount due by the third respondent as on date is more than Rs.54 lakhs.

7. Let the petitioners directly approach the third respondent and enter into a discussion with him. The one point which could be urged by the petitioners is about the date of order of Sessions Court, by which, attachment was raised, which indicates that no property was required as security, either movable or immovable, to restrain the husband of the petitioner from absconding.

8. The petitioners shall approach the third respondent and let them come to a mature decision about the jewels now in the custody of third respondent. It would be in interest of the petitioners, if they approach the



W.P(MD)No.6780 of 2023

third respondent within a period of two weeks, from the date of receipt of a copy of this order, so that they can avoid further multiplication of the amount due.

9. With the above directions, this writ petition stands disposed of.

No costs.

29.03.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM

To

1. The Inspector of Police (L and O),
C-2 Subramaniyapuram Police Station,
Madurai City.
2. The Inspector of Police,
CBCID, Madurai.
3. The Manager,
Repco Bank, Alagammal Complex,
Villapuram, Aruppukottai Road, Madurai.



WEB COPY



W.P(MD)No.6780 of 2023

C.V.KARTHIKEYAN, J.

PNM

ORDER IN
W.P(MD).No.6780 of 2023



WEB COPY



W.P(MD)No.6780 of 2023

29.03.2023