



WEB COPY



W.P.(CrI).No.1197 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

W.P.(CrI).No.1197 of 2025
and W.P.MP.(CrI).Nos.570 and 571 of 2025

1.N.Ponnusamy

2.P.Nirmala

... Petitioners

VS.

1.The Inspector of Police,
District Crime Branch,
Namakkal District.

2.The District Registrar,
Office of District Registrar,
Namakkal District.

3.The Joint-II Sub Registrar,
Office of Sub Registrar,
Namakkal.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the summons dated 17.09.2025 issued by the 1st Respondent relating to attachment of the properties owned by the 2nd Petitioner and to quash the same with consequential direction forbearing the 1st Respondent from making any attachment of the properties owned by the 2nd Petitioner comprised in S.No.475/12, T.S.No.35, 36, 37, 38 and 74, Ward-D, Block-19 and in T.S.No.3/1A1, Ward-D, Block-18, Namakkal Town, in Crime No.35 of 2019 on the file of the 1st Respondent.



WEB COPY



W.P.(CrI).No.1197 of 2025

For Petitioner : Mr.K.Suresh Kumar
for Mr.S.Senthil

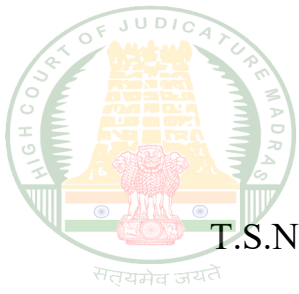
For R1 to R3 : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu
(Criminal Side)

ORDER

This Writ Petition (Criminal) has been filed quashing the summons issued by the 1st respondent, dated 17.09.2025 relating to attachment of the properties owned by the 2nd petitioner and consequential direction forbearing the 1st respondent from making any attachment of the properties owned by the 2nd petitioner comprised in S.No.475/12, T.S.No.35, 36, 37, 38 and 74, Ward-D, Block-19 and in T.S.No.3/1A1, Ward-D, Block-18, Namakkal Town, in Crime No.35 of 2019 on the file of the 1st respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The 1st petitioner purchased the properties comprised in T.S.Nos.35, 36, and 74/1A1 situated at Ward-D, Block-19, Namakkal Town vide registered Sale Deed dated 14.06.1996 registered as Document No.1182/1996 and the 2nd petitioner purchased the properties comprised in



W.P.(CrI).No.1197 of 2025

WEB COPY

T.S.No.3/1A1 situated at Ward-D, Block-18, Namakkal Town, vide registered Sale Deed dated 22.11.2004 registered as Document No.2721 of 2004 and they have been in possession and enjoyment of the said property. While being so, on 27.08.2019, the 1st respondent registered a case in Crime No.35 of 2019 for the offences under Sections 120(B), 406 and 420 of IPC as against seven persons including the petitioners herein and the petitioners were arrayed as Accused Nos.2 and 4. After completing the investigation, the 1st respondent filed charge sheet on 05.11.2019 before the Judicial Magistrate-I, Namakkal as against three persons, including the 1st petitioner herein. The 2nd petitioner, along with two others were removed from the said case. However, the 1st respondent issued the impugned summons dated 17.09.2025 to the 1st petitioner to appear for survey of the property owned by the 2nd petitioner herein. Challenging the same, the petitioners have filed the present writ petition.

4. On perusal of the summons issued by the 1st respondent, dated 17.09.2025, it is revealed that in pursuant to the registration of FIR in Crime No.35 of 2019 for the offences punishable under Sections 120(B), 406 and 420 of IPC read with Section 5 of the Tamil Nadu Protection of Interests of Depositors (in Financial Establishments) Act, 1997 (TNPID Act) as against



W.P.(CrI).No.1197 of 2025

the 1st petitioner herein. The 1st respondent issued summon to the 1st petitioner in order to attach the property comprised in Survey No.475/12 situated at Trichy Main Road stands in the name of the 2nd petitioner to inspect the said property on 27.09.2025 at about 11.00 a.m.

5. The learned counsel appearing for the petitioners submits that the said property stands in the name of the 2nd petitioner and she is not an accused in FIR.No.35 of 2019. Therefore, the 1st respondent has no power to attach or confiscate the subject property owned by the 2nd petitioner.

6. The law is very clear that once registered the FIR under TNPID Act, the Investigation Agency ought to have identified the property stands in the name of the accused or his relatives and other members to realise the money by way of attachment of said property, which was cheated by the accused. Therefore, in order to identify the said property the petitioners were issued summons by the 1st respondent. The 1st respondent though has no jurisdiction to attach or confiscate the property, the 1st respondent is being the Investigation Agency ought to have identified the property and informed about the property to the Government Authorities so as to attach the same in accordance with law. Therefore, the mere inspection by the 1st respondent



W.P.(CrI).No.1197 of 2025

would not amount to confiscate or attach the said property and the 1st respondent is proposed to inspect the subject property only for the purpose of sending the details to the Government Authorities to attach the property. In view of the above, this Court finds no infirmity or illegality in the summons issued by the 1st respondent, dated 17.09.2025.

7. Accordingly, the Writ Petition (Criminal) is dismissed. No costs.

Consequently, the connected miscellaneous petitions are closed.

08.07.2026

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

To

- 1.The Inspector of Police,
District Crime Branch,
Namakkal District.
- 2.The District Registrar,
Office of District Registrar,
Namakkal District.
- 3.The Joint-II Sub Registrar,
Office of Sub Registrar, Namakkal.
- 4.The Public Prosecutor,
High Court of Madras, Chennai.

5/6



WEB COPY



W.P.(Crl).No.1197 of 2025

G.K. ILANTHIRAIYAN, J.

dm

W.P.(Crl).No.1197 of 2025

08.07.2026