



W.P.Crl.(MD)No.4445 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **07.08.2026**

CORAM:

THE HONOURABLE **MRS.JUSTICE L.VICTORIA GOWRI**

W.P.Crl.(MD)No.4445 of 2026
& W.M.P.Crl.(MD)No.1050 & 1051 of 2026

The Branch Manager,
Muthoot Finance Ltd.,
Nilakottai Branch,
First Floor Ganesh Complex,
Opposite to Nilakottai Bus Stand,
Nilakottai – 624 208.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by the Inspector of Police,
Batlagundu Police Station,
Batlagundu, Dindigul District.

2.Jothi Priya
3.G.Kasinathan
4.Manimegalai

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the order passed by the first respondent under Proceeding No.Nil dated Nil and to quash the same as illegal and further forbear the 1st respondent from seizing the gold jewels pledged by the 2nd and 3rd respondents herein, which are pledged with the writ petitioner, in the light of the legally enforceable charge created by the petitioner herein.



For Petitioner : Mr.K.R.Laxman
For Respondents : Mr.D.Rajaboopathy (R1)
Government Advocate (Crl.)

ORDER

This writ petition has been filed challenging the proceedings of the first respondent under Proceeding No.Nil dated Nil and further forbear the 1st respondent from seizing the gold jewels pledged by the 2nd and 3rd respondents herein, which are pledged with the writ petitioner, in the light of the legally enforceable charge created by the petitioner herein.

2. Since no adverse order is passed against the private respondents, notice to them is dispensed with.

3. The learned counsel for the petitioner submitted that the 4th respondent has given a complaint to the 1st respondent. On the basis of which, F.I.R in Crime No.325 of 2026 was registered by the 1st respondent police. The Investigation Officer had found out that the subject matter of the crime is nothing but with regard to jewellery which had been pledged with the petitioner bank. The 1st respondent has required the petitioner bank to hand over the jewellery, which is considered to be alleged theft jewellery. Hence, seeking the



W.P.Crl.(MD)No.4445 of 2026

indulgence of this Court by relying upon the order passed by this Court in W.P(MD)No.11825 of 2023, dated 05.06.2023, the petitioner is before this Court.

4. The learned Government Advocate(Crl.side) fairly conceded that the matter is covered by the said order.

5. Heard the learned counsel on either side and carefully perused the materials available on record.

6. This Court has dealt with the similar situation in the case of ***The Branch Manager, Muthoot Finance Limited Vs. The Inspector of Police, District Crime Branch, Thanjavur***¹ where it has been held as follows:

“5. While entertaining the similar petition in Crl.O.P(MD).No. 6164 of 2023, this Court passed the following order and observation has been made as follows:

5. Heard both sides.

6. 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, her duty is to cooperate with the Investigating Officer to complete process of investigation.

¹ W.P(MD)No.11825/2023 dated 05.06.2023



7.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 loss the money, which was borrowed by the persons, who pledged the jewels.

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 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 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.

9. With the above said directions, this criminal original petition is disposed of. Consequently, connected Miscellaneous Petition is closed."

7. Fully fortified by the aforesaid order, the petitioner bank is directed to allow the first respondent police to identify the aforesaid jewels and take photographs of the same in triplicate. One copy must be given to the petitioner bank, another copy may be retained by the Investigating Officer on the file and the third copy must be submitted before the concerned Court. After verification and identification of the jewels, it must be returned back to the petitioner bank for safe custody till the disposal of the case. The petitioner should not auction the jewels at any cost and is liable to produce the same as and when demanded by the Court and police officer.



W.P.Crl.(MD)No.4445 of 2026

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8. With the above directions, this Writ Petition stands disposed of.

Consequently, connected miscellaneous petitions are closed.

07.08.2026

NCC : Yes / No
Index : Yes / No
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W.P.Crl.(MD)No.4445 of 2026

TO:-

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- 1.The Inspector of Police,
Batlagundu Police Station,
Batlagundu, Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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W.P.Crl.(MD)No.4445 of 2026

L.VICTORIA GOWRI, J.

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Order made in
W.P.Crl.(MD)No.4445 of 2026

Dated
07.08.2026