

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2018

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.2087 of 2018

I.Davidraj
S/o.Irudhayam

.. Petitioner

Vs.

1. The Inspector of Police
M-4, Redhills Police Station
Chennai-600 052.

2. The Manager
Karur Vysya Bank
Redhills Branch,
Chennai-600 052.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd respondent bank to return the money lying in the account namely Manikandan vide Account No.166415500004475 return to the petitioner which was freezed by the 1st respondent on complaint of the petitioner concerned in Crime No.1640 of 2017 on the file of the 1st respondent.

For Petitioner : Mr.C.Prabakaran

For Respondents : Mr.D.Suriyanarayanan

Additional Government Pleader for R1

ORDER

The petitioner seeks for a mandamus directing the second respondent Bank to return the money lying in the account of one Manikandan, Account No.166415500004475 to the petitioner, which was freezed by the 1st respondent, on the complaint made by the petitioner in Crime No.1640 of 2017 on the file of the 1st respondent.

2. The crux of the issue, as raised by the petitioner, in this writ petition is as follows:

The petitioner issued a cheque for a sum of Rs.1,50,000/- on 10.03.2017, to one Manikandan, who according to the petitioner, is his employee. According to the petitioner, the said cheque

was issued to the said person, only for the purpose of transferring the fund to another concern of the petitioner, through the Bank, where an account is maintained by the said Manikandan. It is the case of the petitioner that the said Manikandan transferred the money to his account instead of transferring the money to the other concern of the petitioner. Therefore, the petitioner filed a criminal complaint before the first respondent, which is taken on file in Crime No.1640 of 2017 under Section 406 of IPC. Under such circumstances, the petitioner has approached this Court and filed the present writ petition seeking for a direction to the second respondent Bank to return the money of Rs.1,50,000/- to the petitioner.

3. Admittedly, the criminal complaint given by the petitioner against the said Manikandan is under investigation. Therefore, the petitioner is not justified in approaching this Court and filing the present writ petition during the pendency of investigation, without resorting to the remedies available under the relevant law, once the investigation is over. Therefore, I find that the present writ petition is not maintainable before this Court with the relief as stated supra. Hence, the writ petition is dismissed, however, by granting liberty to the petitioner to work out his remedy before the competent Criminal Court, once such stage reaches. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police
M-4, Redhills Police Station
Chennai-600 052.

2. The Manager
Karur Vysya Bank
Redhills Branch,
Chennai-600 052.

+1cc to Mr.C.Prabakaran, Advocate SR.No.7634
+1cc to Government Pleader SR.No.7996
MG(CO)
sm:15.2.2018

W.P.No.2087 of 2018