

## IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **19.12.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **N.ANAND VENKATESH**

Crl.O.P.Nos.29813, 29818, 29822 and 29825 of 2018

and

Crl.M.P. Nos.17476, 17478, 17480, 17482, 17484,  
17485, 17487 and 17488 of 2018

Amith Agarwal : Petitioner on Crl.O.P.No.29813 of 2018  
B.Ramesh Babu Batchu : Petitioner on Crl.O.P.No.29818 of 2018  
T.C.Pattabi Raman : Petitioner on Crl.O.P.No.29822 of 2018  
Vishal Pathak : Petitioner on Crl.O.P.No.29825 of 2018

Vs.

1.The Inspector of Police,  
District Crime Branch,  
Tiruvannamalai District,  
Tamil Nadu – 600 604.

2.The Branch Manager,  
Karur Vysya Bank,  
Nadukuppam Branch,  
Thiruvannamalai District.

: Respondents in all Crl.O.Ps.

**COMMON PRAYER:** Criminal Original Petitions are filed under Section 482 of Cr.P.C. to call for entire records connected with the impugned summons (Ref No.C.No.3072/SPG/SB/TVM/2018) dated 12.12.2018 issued by the 1<sup>st</sup> respondent police and quash the same.

For Petitioner : Mr.N.R.Elango  
(in all CrI.O.Ps.) Senior Counsel

For Respondents : Mr.C.Raghavan  
(in all CrI.O.Ps.) Government Advocate (CrI. Side) for R1

**COMMON ORDER**

These petitions have been filed challenging the notice issued by the first respondent police under Section 91 Cr.P.C.

2.The learned Senior Counsel would submit that the petitioner company entered into an agreement with Karur Vysya Bank to act as custodian of agricultural goods pledged with the Bank and store it in the godowns taken on lease by the petitioners' company. Earlier there was an attempt made by certain persons to break open the godowns and remove the stocks. Therefore, a complaint was given to the respondent police to provide police protection. Since no action was taken, the petitioners approached this Court by filing CrI.O.P. No.11864 of 2018, seeking for police protection. This Court after hearing all the parties, directed the police to give sufficient protection to the godowns of the petitioners, so that there is no aggression from any quarters.

3.The learned Senior Counsel would submit that the petitioners

have taken steps to ensure that all the agricultural products that are stored in the godowns, is kept in safe custody, by getting police protection and therefore, there is no question of taking away the goods by the petitioners' company.

4. In the mean time, the respondent police have issued a summon to the Executive Director, the Chief Financial Officer, Head Operations, Head Collateral Management of the petitioners' company. In the summon, it has been mentioned that Karur Vysya Bank has preferred a complaint against the company alleging that the rice and paddy bags handed over to the company as security are missing. To conduct enquiry regarding this complaint, the respondent police have issued summons under Section 91 of Cr.P.C. to the above said four Officials.

5. The learned Senior Counsel would submit that in a simple money transaction, the respondent police is unnecessarily interfering. However, the petitioner company is not fighting shy to provide the details to the respondent police. For this purpose, it is not necessary to summon the top Officials of the company and it is enough to call the concerned officer who handles the concerned files and who knows about the entire facts. Therefore, the entire attempt that is being

made by the respondent police is to pressurize the petitioner company to settle the amount to Karur Vysya Bank.

6.The learned Senior Counsel would further submit that the petitioner company will send the State Head of the petitioner company to provide with all the details to the respondent police at the time of enquiry.

7.The learned Government Advocate (Crl. Side) on instructions would submit that the respondent police are only conducting enquiry based on the complaint given by the second respondent Bank. It is not the intention of the respondent police to harass the top Officials of the petitioners' company. The learned Government Advocate (Crl. Side) would further submit that the petitioner company can send an Officer who is well aware about the entire transactions and who can provide with all the details regarding stocks which are available in various godowns.

8.This Court has carefully considered the submissions made on either side.

9.The respondent police is now conducting the enquiry based on the complaint given by the second respondent Bank. The sum and substance of the complaint is that the agricultural products which have been stored in the godowns are missing and the petitioner company is bound to return back the agricultural products or its equivalent amount running to more than Rs.4 Crores. It is the apprehension of the second respondent Bank that the rice bags and paddy bags handed over to the petitioner as security (Collateral) are missing. This has to be now clarified by some Officials from the petitioner company before the respondent police. It is therefore not necessary for the top Officials of the petitioner company to come and give a statement and it is enough if some Officer who is well-versed with the transaction and who will be able to properly explain the details about the available stock along with supporting documents, to attend the enquiry. In this regard, the learned Senior Counsel has already submitted that the petitioner company is willing to send one Murugappan, who is the State Head of Star Ware Housing Collateral Management Ltd., for enquiry in order to provide the details.

10.In view of the above, these Criminal Original Petitions are disposed of with a direction to the petitioner to send Murugappan, State Head of Star Ware Housing Collateral Management Ltd., to

attend the enquiry, conducted by the first respondent police and to provide with all the details along with the relevant documents, in order to enable the respondent police to understand the entire dispute and to come to a correct conclusion. The respondent police shall not insist for the appearance of the Officials to whom the summons have been issued in this case. The respondent police shall proceed further with the enquiry and shall issue a fresh summon indicating the date and time of enquiry and the petitioner company shall send the above said person for the enquiry along with all the relevant documents. Consequently, connected miscellaneous petitions are closed.

**19.12.2018**

Index: Yes/No  
Internet: Yes/No  
ia/vsg1

To

- 1.The Inspector of Police,  
District Crime Branch,  
Tiruvannamalai District,  
Tamil Nadu – 600 604.
- 2.The Public Prosecutor,  
Madras High Court, Chennai.

**N.ANAND VENKATESH, J.,**

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