



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P. (MD)No.6663 of 2018

WEB COPY

L.Sornam

: Petitioner

Vs.

1. The Director General of Police,
Law and Order,
No.1, Dr.Radhakrishnan Road,
Mylopore, Chennai-4.

2. The Superintendent of Police,
Economic Offence Wing-II,
SIDCO, Old Corporate Building,
1st Floor, Garments Complex II,
Guindy, Chennai-32.

3. The Inspector of Police,
Economic Offence Wing-II,
Kajamalai, Trichy.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C.,to direct the respondents herein to take appropriate steps based on the petitioner's representation dated 07.04.2018 and handover the above mentioned shop within the stipulated time as fixed by this Court.

For Petitioner

: Mr.T.Senthil Kumar

For Respondents

: Mr.K.Suyambulinga Bharathi

Government Advocate (Cr1.side)

ORDER

This Criminal Original Petition has been filed to direct the respondents herein to take appropriate steps based on the petitioner's representation dated 07.04.2018 and handover the petitioner's shop.

2.The petitioner is the owner of the property in question. She had let the said property on lease to one Murugesan.The said Murugesan,all of a sudden, closed the shop during the month of December 2010 and thereafter,the whereabouts of the said Murugesan is not known. Subsequently, the petitioner came to know that the said Murugesan cheated various persons and hence,a case has been registered against him in Crime No.1 of 2017 for the offence under Section 3 of IN Protection of Interest of Depositors (in Financial Establishment)Act 1997 and Sections 406,420,120B IPC.



3. Subsequently the third respondent Police came to the property belonging to the petitioner and locked the premises and took away the key. The property belonging to the petitioner has been kept under lock and key by the third respondent for the last one and half years. Aggrieved by the same, the present Criminal Original Petition has been filed.

4. The learned Government Advocate (Crl.side) appearing for the respondents submitted that the said Murugesan had cheated various persons to the tune of Rs.12,41,09,342 and hence, he was subsequently arrested. During the time of investigation, the said Murugesan died. He further submitted that the material inside the property will be worth about more than Rs.50,000/- and the third respondent is taking steps to bring those properties for auction and sale in order to disburse the money to the persons, who were cheated by the said Murugesan.

5. Admittedly the petitioner is the owner of the said property and she should not be punished for the offence that was committed by her erstwhile tenant. The property is under lock and key for more than one and half years and the petitioner has been prevented from enjoying her own property. The third respondent Police cannot keep materials inside the property and thereby prevent the petitioner from leasing out the property to other third parties.

6. The learned Government Advocate (Crl.side) on instructions submitted that the third respondent will remove the materials inside the property, within a period of two months and thereafter, will handover the key to the petitioner.

7. Recording the submissions made by the learned Government Advocate (Crl.side), the third respondent is directed to remove the materials inside the property and handover the key to the petitioner, within a period of two months from the date of receipt of copy of this order. It is made clear that the third respondent has to strictly comply with the order within the time limit granted by this Court.

8. With the above directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-I)



To

1. The Director General of Police,
Law and Order,
No.1, Dr.Radhakrishnan Road,
Mylopore, Chennai-4.
2. The Superintendent of Police,
Economic Offence Wing-II,
SIDCO, Old Corporate Building,
1st Floor, Garments Complex II,
Guindy, Chennai-32.
3. The Inspector of Police,
Economic Offence Wing-II,
Kajamalai, Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.T.Senthil Kumar, Advocate SR.No.80724

GNS

MK/SKN/SAR 1/29.08.2018/3P/6C

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