



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.16415 of 2018
and W.M.P.(MD)No.14576 of 2018

Muthoot Finance (P) Ltd.,
Represented by its Branch Manager,
P.P.Chavadi Branch,
No.11/B, V.O.C. Street, 1st Floor,
P.P.chavadi, Theni Main Road,
Madurai-625 016.

: Petitioner

Vs.

1.The Commissioner of Police,
Office of the Commissioner of Police,
Alagarkovil Road, Madurai.

2.The Inspector of Police,
Central Crime Branch-II,
Office of the Commissioner of Police,
Alagerkovil Road, Madurai.

3.S.Elangovan

: Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents 1 and 2 herein in conducting enquiry relating to auction of the jewels pledged by the third respondent and further direct the respondents 1 and 2 not to interfere in civil matters by harassing the office bearers of the petitioner's company.

For Petitioner

: Mr.K.R.Laxman

For R1 & R2

: Mr.M.Rajarajan

Government Advocate

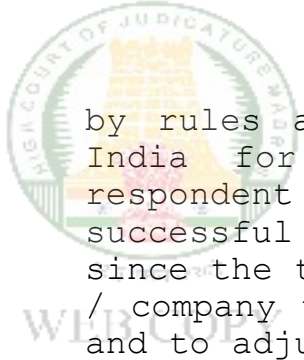
For R3

: Mr.S.Balasubramanian

ORDER

The present Writ Petition has been filed for a direction to the first and second respondents not to interfere with the running of the Finance Company of the petitioner.

2.The learned counsel appearing for the petitioner / Company submitted that the Finance Company is a Non-Banking Financial Company, registered with the Reserve Bank of India and it is bound



by rules and regulations that are formed by the Reserve Bank of India for running Non-Banking Financial Company. The third respondent had participated in a auction in the year 2007 and was successful bidder in the said auction. He further submitted that since the third respondent had no money, he requested the petitioner / company to accept the jewels taken by him in auction as a pledge and to adjust the jewel loan amount towards the auction amount. The dispute arose in the said transaction. As a result of which, the third respondent challenged the auction notice before the District Consumer Forum, Madurai. The Consumer Forum passed an order in favour of the third respondent. Aggrieved by the same the petitioner filed an appeal and the same is pending adjudication in F.A.41 of 2014. In the meantime, based on the complaint given by the third respondent to the Director General of Police, the second respondent issued summon under Section 116 r/w 91 of Cr.P.C. to the petitioner / Company and directed the representative of the Company to appear for enquiry. On receipt of the said summon, the present Writ Petition has been filed by the petitioner / Company for forbearing the respondent Nos. 1 and 2 from conducting any enquiry.

3.The learned Government Advocate appearing for the respondent Nos. 1 and 2 submitted that a detailed complaint has been given by the third respondent and as per the directions given by the Director General of Police, Chennai, the second respondent called upon the petitioner / Company's representative to attend the enquiry and to make their submissions with regard to the complaint. He further submitted that without attending the enquiry, the petitioner / Company has come before this Court and filed the present Writ Petition.

4.The learned counsel appearing for the third respondent would submit that insofar as the private dispute is concerned, same subject matter is pending before the Consumer Forum. In the complaint given by the third respondent to the Director General of Police, he has pointed out that certain grave irregularities in functioning of the Finance Company business by the petitioner / Company.

5.On careful consideration of the rival contentions made in this Writ Petition, this Court at this stage does not want to go into the merits of the case. The writ petitioner / Company was asked by the second respondent Police to come and make their submissions with regard to the complaint given by the third respondent. For that purpose, proper summon has also been issued by the second respondent Police. The aforesaid process may not be a harassment towards the petitioner / Company. The petitioner / Company can go before the second respondent and submit their version to enable the second respondent to take a decision on the complaint given by the third respondent. Instead of doing so, the petitioner / Company has chosen to rush to this Court by filing this



6. In view of the above observations, the representative of the petitioner/ Company and the third respondent are directed to appear before the second respondent on 23.08.2018 and make their submissions and also produce relevant records. Thereafter, it is for the second respondent to proceed further in accordance with law.

7. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Office of the Commissioner of Police,
Alagarkovil Road, Madurai.

2. The Inspector of Police,
Central Crime Branch-II,
Office of the Commissioner of Police,
Alagarkovil Road, Madurai.

+1cc to M/S.K.R.Laxman, Advocate SR.No. 77918
+1cc to Special Government Pleader, SR.No. 77926
+1cc to M/S.C.Ganesh Kumar, Advocate SR.No. 77894

W.P. (MD) .No.16415 of 2018
09.08.2018

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JM/SKN RSK/SAR 1/16.08.2018/3P/6C