

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2019

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.17958 of 2019

and

W.M.P.Nos.17370 and 17388 of 2019

G.Ramesh

...Petitioner

Vs.

1. The Director General of Police,
Mylapore,
Chennai.
2. The Additional Director General of Police
SIDCO, Alandur Road, Thiru-vi-ka Industrial
Estate, SIDCO Industrial Estate, Guindy,
Chennai-600 032.
3. The Superintendent of Police,
EOW, Coimbatore Unit,
SIDCO, Alandur Road, Thiru-vi-ka Industrial
Estate, SIDCO Industrial Estate, Guindy,
Chennai-600 032.
4. The Deputy Superintendent of Police,
EOW, Coimbatore,
Commissioner of Police Campus,
Coimbatore-18.
5. The Inspector of Police,
Economic Offences Wing,
Commissioner of Police Campus,
Coimbatore.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, for administering the petitioner's company to disburse the claims if any by the customers of the company having office at 93, Ramlakshman Nagar, Sowripalayam, Coimbatore, 336/2, 3rd Floor, May Flower Velansiya, Avinasi Road, Coimbatore.(Prayer amended as per order dated 05.07.2019 made in W.M.P.Nos.18909/2019)

For Petitioner : Mr. Govindaraju.M
For Respondents 1 to 5 : Mr. M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for the issuance of writ of mandamus forbearing the 4th and 5th respondents from interfering with the day-to-day affairs of the the petitioner's company.

2. It is the grievance of the petitioner that the petitioner is running a chit fund company and that on 21.06.2019, at about 10.00 a.m, several persons barged into the company by claiming themselves that they belonged to Economic Offences Wing and man handled several employees and removed several properties from the office. It is the further grievance of the petitioner that the respondent police will have to confine themselves to the investigation if any FIR is registered against the petitioner and that the respondent police do not have the right to interfere with the day-to-day affairs of the company.

3. The learned Additional Public Prosecutor appearing on behalf of the respondent police submitted that there are several complaints given against the petitioner and presently, an FIR has been registered in Crime No.3 of 2019 and the same is pending investigation. The learned counsel further submitted that the respondent police did not interfere with the day-to-day affairs of the company and the respondent police will act in accordance with law and will only take action that is required in order to proceed further with the investigation.

4. The learned counsel for the petitioner submitted that the respondent police apart from preventing the petitioner from conducting the day-to-day affairs of the company, have also taken away the keys of the premises and this, according to the learned counsel for the petitioner is beyond the power and jurisdiction of the police.

5.This Court has carefully considered the submissions made on either side and also the materials placed on record.

6. In view of the specific stand that has been taken by the respondent police and on careful consideration of the submissions made by the learned Additional Public Prosecutor, there shall be a direction to the respondent police not to interfere with the day-to-day affairs of the petitioner's company. It is made clear that this order should not be misconstrued as if the respondent police cannot take action against the petitioner and the company in the course of their investigation. Whatever action is required to be taken in the course of investigation, can very well be taken by the respondent police and this order will not stand in the way.

This order confines itself only to the running of the day-to-day affairs of the company. If the respondent police have taken away the key of the company premises of the petitioner, the same shall be returned back to the petitioner to enable the petitioner to conduct the day-to-day affairs of the company.

7.This Writ Petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

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To

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+1 CC to Mr. Govindaraju.M, advocate sr 56639.

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VD(CO)
SP(10/07/2019)