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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2019

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THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.32726 of 2019

M/s.Venkraft Paper Mills (P) Ltd.,
Rep. By its Director,
Mr.R. Subash Chandru,
Having Office at 4th Floor, JR Plaza,
Tank Street, Hosur,
Krishnagiri District.

...Petitioner

-Vs-

- 1.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
- 2.The Deputy Superintendent of Police,
Denkanikottai, Krishnagiri District.
- 3.The Station House Officer,
Uddanapalli Police Station,
Krishnagiri District.

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the respondent police not to harass the petitioner's company and its banking operations in the name of enquiry.

For Petitioner	: Dr.K.Arul for M/s.Dr.S.Vidya
For respondents	: Mr.M.Mohamed Riyaz Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police not to harass the petitioner's company and its banking operations in the name of enquiry.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



3. Learned counsel for the petitioner has submitted that the petitioner company is doing its business operations on paper products in Krishnagiri District. He further submitted that a case was registered in Cr.No.153 of 2019 against one M.Ramamurthy, who is also one of the shareholders of the said Company. He further submitted that the Company is in no way connected with the alleged offence said to have been committed by the said M.Ramamurthy, but the respondent police is unnecessarily interfering with the day-to-day affairs of the petitioner Company and also issued a letter to the Chief Manager, State Bank of India, Hosur Branch, asking them to stop the operation of the Bank Account of the petitioner Company and hence, the petitioner Company is not able to function and therefore, he prayed to issue suitable direction to the respondent police.

4. The second respondent has filed a counter stating that on 12.11.2019, the respondent police received an intimation from St.Johnson Hospital, Bangalore and based on that, Tr.Anandan, Sub- Inspector of Police, attached to Uddanapalli Police Station went to the said hospital and recorded the statement of one Tr.G.R.Ananda Babu and based on the same, FIR was registered in Uddanapalli Police Station in Cr.No.153 of 2019 under Sections 279, 338 & 304-A IPC. After registering the FIR, the Inspector of Police, Royakottai Circle took the matter for investigation and examined some of the witnesses. On 13.11.2019, the Superintendent of Police, Krishnagiri, passed an order directing the second respondent to investigate the matter and accordingly, she took the matter for investigation and examined 45 witnesses.

5.The second respondent has further stated that during investigation, one Maharajan (A5) was arrested and recorded his confession statement and based on the said confession statement, the case was altered into under Sections 143, 436, 302, 307, 149, 120-B IPC and totally ten accused persons were arrested and remanded to judicial custody. The investigation reveals that two persons were murdered and only for enquiry purpose, the staff members of the petitioner Company were called, but they were not subjected to any harassment. She further stated that during the course of investigation on 19.11.2015,. she gave a requisition letter to the concerned Bank to freeze the 7 Savings Bank accounts of other accused persons including A-1 Company C.C. Account to verify as to whether money transferred from the A-1 Company account to the hooligans' accounts who were engaged by the petitioner's father (A1) for execution of the murder. Based on the said requisition, the said accounts were freezed by the Bank. After conducting due enquiry with the material records,



on 06.12.2019, she gave another requisition to the Branch Manager, State Bank of India, Mookandapalli Branch, to defreeze the petitioner Company's account and the same is defreezed on the same day.

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6. Admittedly, the Company is not an accused in the aforesaid case and in such a case, the respondents should not have freezed the accounts of the Company. If the respondents want to verify whether any money was transferred from the account of the Company for engaging hooligans, they could have obtained a statement from the concerned Bank and verify the same and instead of that, they should not have freezed the bank account of the Company.

7. Anyhow, now the second respondent in her counter has stated that already she gave a letter to the concerned Bank and on that basis, account has been defreezed. Further she has stated that only for enquiry purpose, the staff members of the Company were called. In such a case, it is open to the Investigating Officer to issue summons to the persons who are acquainted with the facts of the case and enquire with them.

8. With the aforesaid observations and also recording the submissions made by the second respondent in the counter statement, this petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/
Sub Asst. Registrar

gv

To

- 1.The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
- 2.The Deputy Superintendent of Police,
Denkanikottai, Krishnagiri District.
- 3.The Station House Officer,
Uddanapalli Police Station,
Krishnagiri District.

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4.The Public Prosecutor,
High Court, Madras.

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