



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 21.11.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP (MD) No.20307 of 2013

and

WMP (MD) No.6789 of 2016

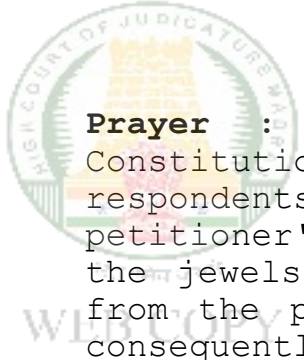
S.P.Raja

... Petitioner

Vs.

- 1.The District Collector,
Theni, Theni District.
- 2.The Superintendent of Police,
Theni, Theni District.
- 3.The Inspector of Police,
District Crime Branch, Theni,
Theni District.
- 4.The Branch Manager,
Kosamattam Finance Ltd.,
No.1A, Corporation Colony,
Aarappalayam, Madurai.
- 5.The Branch Manager,
Kosamattam Finance Ltd.,
Bagavathiamman Kovil Street,
(Signal Bus Stand), Cumbum,
Theni District.
- 6.Mokket
- 7.Muthu
- 8.M.Chinnasamy
- 9.T.Vijayalakshmi
- 10.K.Periasamy
- 11.Nagadevan
- 12.A.Abdul Bajith

... Respondents



Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents Nos.1 to 3 to take necessary action on the basis of the petitioner's representation dated 18.11.2013 with regard to disburse the jewels to the public, which the articles of jewels receiving from the petitioner's company by the respondents Nos.4 and 5 and consequently directing the respondents Nos.1 to 3 to take necessary action to punish the offenders with regard to the above mentioned issue.

For Petitioner : Mr.L.Shaji Chellan for Mr.D.Anbarasu

For R1 to R3 : Mr.A.Robinson,
Government Advocate (crl.side)

For R4 & R5 : Mr.R.Alagumani

For R6 to R12 : Mr.A.Siva Ilayaraja

ORDER

Heard the learned counsel on either side.

2.The petitioner is a Pawn Broker. His customers had pledged their jewellery with him and raised loans. The petitioner had re-pledged the said items with Kosamattam Finance Ltd., The transaction between the petitioner and Kosamattam Finance Limited had run into rough weather. The terms of the arrangement between the petitioner and Kosamattam Finance Limited are not quite clear. But then, the fact remains that the petitioner was not able to redeem the jewels. In the meanwhile, the customers of the petitioner began to exert pressure on him and they were ready to repay the loans and wanted to take back their jewellery. Complaints in this regard were lodged way back in the year 2009. Crime No.1186 of 2010 was registered on the file of the Karimedu Police Station at the instance of the Kosamattam Finance (P) Ltd. Some kind of settlement was arrived at involving Kosamattam Finance, S.P.Raja/the petitioner herein and few other insitutions. The FIR registered on the file of the Karimedu Police Station was quashed by this Court in Crl OP(MD)No.12305 of 2015 on 11.01.2013. But then, the original customers of the S.P.Raja whose jewels were re-pledged, had not got any relief. They continued to pressurize S.P.Raja for return of their jewellery. Probably, to escape from them S.P.Raja gave a complaint before the District Crime Branch, Theni leading to registration of Crime No.18 of 2014. In the said case, the staff of Kosamattam Finance (P) Ltd also figured as accused. To quash the same, Kosamattam Finance filed a quash petition before this Court. During the pendency of the said petition, further action was dropped by referring to the earlier proceedings. In view of the said development, the said quash petition was also closed. In the meanwhile, this petition was filed for directing the constitution of a Mediation Centre to resolve the issue. Thereafter, the writ prayer was amended and the petitioner wanted the authorities to take



action on his representation.

3. This writ petition is being taken up for final disposal to day. The learned counsel for the parties submitted that they are in possession of unimpeachable materials to show that they had pledged their jewels with S.P.Raja, the petitioner herein way back in the year 2009-10 and that even though they were ready to redeem their jewellery, the same could not be retrieved as it had been re-pledged by the petitioner with Kosamattam Finance (P) Ltd., The fact remains that the grievances of the impleaded parties remains unredressed as on date. Merely because the complaint given by Kosamattam Finance (P) Ltd., before the Karimedu Police Station was closed by recording the compromise and merely because the subsequent criminal case given by S.P.Raja was action dropped, it cannot come in the way of the impleaded parties from ventilating their grievances.

4. Therefore, I permit the impleaded parties namely, R6 to R12, or any of them to submit a fresh complaint before the District Crime Branch, Theni. Without any delay, an FIR shall be registered on the said complaint. Since the issue is more than a decade old, the District Crime Branch, Theni will take prompt action in the matter. The entire investigation shall be personally monitored by the Superintendent of Police, Theni District. The aggrieved customers of the petitioner state that they will file a complaint before the District Crime Branch, Theni within a period of one week from the date of receipt of a copy of this order. The final report will be filed within a period of six months from the date of registration of FIR. Since it is stated that there are about 1000 persons, a special team will be formed for fast tracking the investigation. Investigation in the case to be conducted will not in any way be swayed by the earlier developments that had taken place in this case.

5. With these directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Crl Side)

// True Copy //

Sub Assistant Registrar(CS)

Skm

To

1. The District Collector,
Theni, Theni District.

2. The Superintendent of Police,
Theni, Theni District.



3.The Inspector of Police,
District Crime Branch, Theni,
Theni District.

WEB COPY

+1CC TO MR.S.MALAIKANI, Advocate Sr. No.100429
+4CC TO MR.R.S.T.RAVANAN, Advocate Sr. No.100660
+1CC TO MR.D.ANBARASU, Advocate Sr. No. 100703

WP (MD) No.20307 of 2013
and
WMP (MD) No.6789 of 2016
21.11.2019

db (CO)
TR (25.11.2019) 4P 10C