



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2019

CORAM:

THE HONOURABLE MR. JUSTICE **G.K. ILANTHIRAIYAN**

W.P. (MD)No.11480 of 2018

and

W.M.P. (MD)No.10466 of 2018

and

Crl.O.P. (MD)No.8749 of 2019

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W.P. (MD)No.11480 of 2018

The Branch Manager,
Muthoot Finance Limited,
Mudukulathur Town Branch,
Paramakudi Main Road,
Mudukulathur,
Ramanathapuram District.

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Mudukulathur, Ramanathapuram District.

2.The Inspector of Police,
Mudukulathur Town Police Station,
Mudukulathur,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the impugned order passed by the second respondent under proceeding No.Nil, dated 25.04.2018 and its consequential order passed by the second respondent under proceeding No.Nil, dated 26.04.2018 pertaining to deliver the jewels pledged by M.Kaleeswaran and to quash the same as illegal and further direct the respondents not to harass the petitioner pertaining to the Crime No.77 of 2016, on the file of the second respondent police by compelling the petition to deliver the acutioned jewels.

For Petitioner : Mr.K.R.Laxman

For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

Crl.O.P. (MD)No.8749 of 2019

S.R.Devi

... Petitioner

Vs



1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Mudukulathur Police Station,
Mudukulathur,
Ramanathapuram District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent herein to file a final report regard to the Crime No.77 of 2016, on the file of the second respondent within stipulated time may be fixed by this Court.

For Petitioner : Mr.K.Muthuvai Ilayaraja
For Respondents : Mr.R.Anandharaj
Additional Public Prosecutor

COMMON ORDER

Since the issue involved in both the cases are one and the same, these petitions are disposed of by this common order.

2.This Writ Petition has been filed seeking to challenging the communication dated 25.04.2018 issued by the second respondent thereby directing the petitioner to provide statement of accounts as well as in the name of Mr.M.Kaleeswaran from 01.01.2016 to 24.04.2018, regarding the loan borrowed by him and also the details of jewels pledged by him.

3.This Criminal Original Petition has been filed to direct the second respondent herein to file a final report regard to the Crime No.77 of 2016, on the file of the second respondent within stipulated time may be fixed by this Court.

4.The learned Additional Public Prosecutor submitted that these petitions are absolutely not maintainable, since the accused was arrested in Crime No.54 of 2018, registered for the offences under Sections 457 and 380 of IPC and in Crime No.77 of 2016, registered for the offences under Section 380 of IPC, based on the complaint lodged by one S.R.Devi/the petitioner in Crl.O.P.(MD)No.8749 of 2019. In both crimes, Mr.M.Kaleeswaran is the sole accused. On his confession, the second respondent revealed that the jewels stolen by the accused were pledged with the writ petitioner finance during the period from 01.01.2016 to 24.04.2018. Therefore, the second respondent called upon the writ petitioner to produce the statement of accounts of the accused from 01.01.2016 to 24.04.2018 and also the details about the pledged amount. This Court finds no infirmity or irregularity in the communication issued by the second respondent, dated 26.04.2018 and the action of the second respondent is only based on the confession of the accused. Now, the second



respondent for the purpose of communication, called for information from the writ petitioner. Therefore, the petitioner in both petitions is directed to co-operate with the investigation in respect of Crime Nos.54 of 2018 and 77 of 2016, on the file of the second respondent.

5.Hence, these petitions are devoid of merits and stand dismissed. Consequently, the petitioner in both petitions is directed to provide all the details as sought for by the second respondent by its communication dated 25.04.2018 and 26.04.2018 in respect of Crime Nos.54 of 2018 and 77 of 2016, within a period of four weeks from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to complete the investigation and file a final report as expeditiously as possible. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Superintendent of Police,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
Mudukulathur,
Ramanathapuram District.

3.The Inspector of Police,
Mudukulathur Town Police Station,
Mudukulathur,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.K.R.LAXMAN, Advocate (SR-100231[F] dated 21/11/2019)

+1cc to Mr.K.Muthuvai Ilayaraja, Advocate SR.No.99755

W.P. (MD)No.11480 of 2018

and

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19.11.2019

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