



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.16354 of 2021

and

W.M.P. (MD)Nos.13208 and 13209 of 2021

M/s.Attica Gold Private Limited,
Represented by its Manager,
M.Nanditha

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District,
Khajamalai Colony,
Trichirappalli - 620 020.

2.The Inspector of Police,
Thiruverambur Police Station,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the 2nd respondent from entering into the petitioner's business place situated at 1st Floor, Bharat Shopping Mall, Opposite to Government Hospital, Trichy - 620 017 and harassing petitioner's employees in the guise of enquiry without following the due process of law.

For Petitioner : Mr.I.Abdul Basith

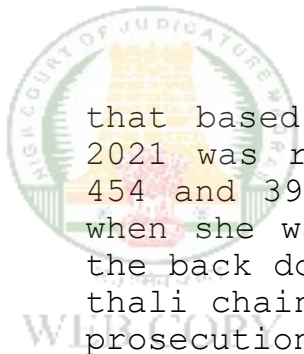
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

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

2.The petitioner is a company dealing in gold ornaments. The petitioner complains that the second respondent is harassing the petitioner and their employees in the pretext of enquiring into the case in Crime No.967 of 2021. Notice was issued to the respondents.

Today, learned Additional Public Prosecutor on instructions stated



that based on the complaint of one Vijayalakshmi, Crime No.967 of 2021 was registered on 14.08.2021 for the offences under Sections 454 and 392 of IPC. The case of the defacto complainant was that when she was alone in her house, an unknown person entered through the back door and closed her face with a cloth and snatched away her thali chain weighing around 5 ½ sovereigns of gold. The case of the prosecution is that one Hari Prasad is the accused. He had sold the stolen item to the petitioner. In order to recover the stolen property, the second respondent had issued summons to the petitioner. The respondents would contend that the petitioner has not at all cooperated with the investigation.

3.The allegation that the petitioner has not cooperated with the investigation is strongly rebutted by the petitioner's counsel. The petitioner's counsel draws my attention to the materials enclosed in the typed set of papers. It can be seen therefrom that one Hari Prasad had sold a chain weighing nearly 40 grams on 16.08.2021. On 18.08.2021, the chain sold by Hari Prasad was in turn sold to one Santhosh, S/o.Venu Prasad of Hyderabad. The petitioner had collected the details of Hari Prasad, when the transaction between them took place. Even the photo of Hari Prasad was affixed in the invoice. The petitioner's counsel states that this clearly shows the bonafide nature of their transaction.

4.Be that as it may, the petitioner is directed to appear before the second respondent through their authorised staff on 16.11.2021 at 11.00 a.m. The petitioner shall make available all the relevant papers pertaining to the transaction in question. I make it clear that the petitioner will not be compelled to replace the stolen article. Issuance of this direction does not mean that the hands of the second respondent are tied in any manner.

5.The writ petition is disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1.The Superintendent of Police,
Trichy District,
Khajamalai Colony,
Trichirappalli - 620 020.

2.The Inspector of Police,
Thiruverambur Police Station,
Trichy District.

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

W.P (MD) No.16354 of 2021
09.11.2021

TR/PM(12.11.2021) 3P 4C