



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2021

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P(MD)No.22777 of 2017

and

W.M.P(MD)No.19089 of 2017

and

W.P(MD)No.16060 of 2018

and

W.M.P(MD)No.14326 of 2018

W.P(MD)No.22777 of 2017

Murugiah

... Petitioner

Vs.

1.Repco Bank Ltd.,
No.58/1 & 58/2, Tamil Sangam Road,
Madurai-625 001.

2.The State Represented by
Inspector of Police,
Boiler Plant Police Station,
Trichy-14.

3.Jansi Rani

4.Kamala

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the first respondent not to disburse any amount held by the third and fourth respondent to them, pending investigation by the second respondent in Crime No.118/2017, dated 17.11.2017.

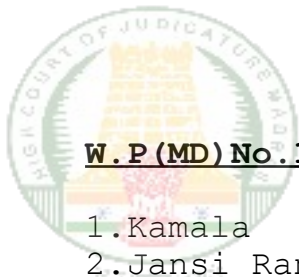
For Petitioner : Mr.Mohammed Athiff
for M/S.C.Deepak

For R1 : Mr.Pala.Ramasamy

For R2 : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

For R3 & R4 : Mr.M.Kannan



W.P(MD)No.16060 of 2018

1.Kamala
2.Jansi Rani

... Petitioners

WEB COPY

Vs.

1.The REPCO Bank,
Rep. by its Deputy General Manager,
No.38, Krishnarayar Tank Road,
Opp. To Anjaneyar Kovil,
Madurai-1.

2.State represented by the
Inspector of Police,
Boiler Plant Police Station,
Trichy.

3.M.Murugaiya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order of the first respondent Bank, dated 28.12.2017 and quash the same as illegal and consequently direct the first respondent to permit the petitioners to operate their account.

For Petitioners	: Mr.M.Kannan
For R1	: Mr.Pala.Ramasamy
For R2	: Mr.A.Thiruvadikumar Additional Public Prosecutor
For R3	: Mr.C.Deepak

COMMON ORDER

W.P(MD)No.22777 of 2017 has been filed seeking Mandamus in a nature of direction to the first respondent REPCO Bank not to disburse any amount held by the third and fourth respondents, pending investigation by the second respondent in Cr.No.118/2017, dated 17.11.2017.

2. The third respondent is the second wife of the petitioner and the fourth respondent is the mother of the third respondent. It is stated that there is a matrimonial dispute between the petitioner and the third respondent, which has ended in filing the petition for divorce and an ex-parte decree, which is now sought to be set aside and restored and the petition filed by the wife for restitution of conjugal rights is pending adjudication.

3. Alleging that the transfer of Rs.15,00,000/- in the third and fourth respondents account was not done voluntarily. Hence a



criminal complaint has been filed by the petitioner and the same was taken in DCB C.No.171 of 2017 by the second respondent. Pending investigation, to prevent the respondents 3 and 4 the present writ petition has been filed for the relief stated above.

4. This Court, though have reservation regarding the maintainability of the prayer through a writ, since now reported by the learned counsel for the petitioner that the investigation in Cr.No.118 of 2017 has already been completed and the same was taken on file in C.C.No.251 of 2018, on the file of the learned Judicial Magistrate, Trichy, nothing survives in this writ petition.

5. Accordingly, W.P.(MD)No.22777 of 2017 is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

6. In consequence of earlier writ petition in W.P.(MD)No.22777 of 2017, this writ petition in W.P(MD)No.16060 of 2018 has been filed by Kamala and Jansi Rani, who are the third and fourth respondents in the earlier writ petition.

7. This writ petition has been filed seeking Certiorarified Mandamus to call for the records of the impugned order of the first respondent Bank, dated 28.12.2017 and quash the same.

8. A perusal of the impugned order passed by the first respondent Bank, it reveals that in view of pendency of writ petition in W.P(MD)No.22777 of 2017 the first respondent has expressed their inability to allow the writ petitioners to operate their account, till the case got finalised.

9. In view of the dismissal of the writ petition in W.P(MD) No.22777 of 2017, the writ petition in W.P.(MD)No.16060 of 2018 is closed. It is open to the first respondent Bank to take appropriate decision on the request of the petitioner in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

am

To

1.The Inspector of Police,
Boiler Plant Police Station,
Trichy-14.

+1 CC to M/s.M.KANNAN, Advocate (SR-38727[F] dated 15/12/2021)

W.P (MD)No.22777 of 2017

and

W.P (MD)No.16060 of 2018

13.12.2021



MGJ(29.12.2021) 4P 3C

WEB COPY

W.P(MD)No.22777/2017 & 16060 of 2018