



WEB COPY



WP.No.33733 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

WP.No.33733 of 2022

M/s.Attica Gold Private Limited,
Represented by its Branch Manager,
Mr.Tamilselvam
Head office at No.11/4 Ground Floor,
Suvarna Bhavan, Queens Road,
Bangalore.

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvallur, Thiruvallur District.

2. The Inspector of Police,
Thiruvallur Police Station,
Thiruvallur District.

... Respondents

Writ Petition is filed under Article 22 of the Constitution of India, praying to issue a writ of Mandamus forbearing the 2nd respondent from entering into the petitioner's business place situated at No.382, Avadi Check post, opp to Lakshmi Villas Bank, Avadi, Chennai-600 054 and harassing Petitioner's employees in the guise of enquiry without following the due process of law.



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For Petitioner : Mr.I.Abdul Basith
For Respondents : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)

ORDER

This Writ Petition has been filed to direct the 2nd respondent from entering into the petitioner's business place situated at No.382, Avadi Check post, opp to Lakshmi Villas Bank, Avadi, Chennai-600 054 and harassing Petitioner's employees in the guise of enquiry without following due process of law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner is a private limited company involved in the Gold business; the second respondent police without any reason or authentication, visit the business premises of the petitioner often and cause disturbance; this affects the business of the petitioner and hence, the petitioner has come forward with this petition seeking direction.

4. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that during the investigation of case in Crime No.385 of



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2022 for the offence under Section 380 of IPC, the investigating authority came to know that the petitioner have received the stolen property from the accused; in view of that a notice under Section 41A Cr.P.C has already been given to the petitioner, but the petitioner did not co-operate for investigation.

5. During the course of hearing, learned Government Advocate (Crl.Side) furnished the notice under Section 41A of Cr.P.C dated 10.12.2022 issued to the Branch Manager of the petitioner's Company at Avadi. Since the petitioner did not appear for enquiry, it would have necessitated the second respondent to go to the business premises of the petitioner. Since the petitioner has already been summoned and given with the notice under Section 41A Cr.P.C, it is obligatory on his part to make appearance before the second respondent police and make his representation. On the appearance of the petitioner, the second respondent shall make proper enquiry only in accordance with law and for the purpose of the case.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

16.12.2022

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R.N.MANJULA, J.

kmi

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvallur, Thiruvallur District.
2. The Inspector of Police,
Thiruvallur Police Station,
Thiruvallur District.

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