



W.P.No.22796 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.22796 of 2023
and
WMP.No.22255 of 2023

T.Rajendran
S/o.Late Thangavelu

.. Petitioner

Vs.

State Rep. by
The Inspector of Police,
CCB, EDF – II, Group – 4,
Egmore, Chennai
Crime No.275 of 2015

.. Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Prohibition prohibiting the respondent not to attach or in any manner interfere with the peaceful possession and enjoyment of the immovable properties held by me and petitioner's wife Nagajothi in Coimbatore District otherwise than the law laid down by this Hon'ble Court in W.P.No.11221 of 2015 dated 27.07.2015 in 1.V.Sundaram 2. Malliga Vs. The Deputy Superintendent of Police, Economic Offences & Wing, Kancheepuram & Another.

For Petitioner : Mr.R.Ganesan



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For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to prohibit the respondent police from attaching the property belonging to the petitioner except in accordance with the law pronounced by this Court in W.P.No.11221 of 2015 dated 27.07.2015.

2. Heard Mr.R.Ganesan, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondent.

3. It is seen from records that a First Information Report came to be registered against the petitioner and his wife in Crime No.275 of 2015. On completion of investigation, the trial proceedings are pending before the Additional Chief Metropolitan Magistrate for CCB and CBCID Cases, Egmore, in C.C.No.4818 of 2018. The grievance of the petitioner is that the respondent is attempting to attach the property otherwise than by the procedure established by law. That apart, the complainant is also making



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attempts to attach the property belonging to the petitioner. In view of the same, the present Writ Petition has been filed seeking for appropriate directions.

4. In the considered view of this Court, this Court in W.P.No.11221 of 2015, by judgment dated 27.07.2015, has specifically dealt with the manner in which the attachment of properties should be done. The petitioner wants the proper procedure to be followed by the respondent if at all any attempt is made to attach the properties.

5. Learned Additional Public Prosecutor submitted that if the respondent proceeds to attach the properties belonging to the petitioner, the same will be done only in accordance with law. Learned Additional Public Prosecutor further submitted that the *de facto* complainant, at the best, will be allowed to assist the prosecution before the Court below and a decision will ultimately be taken by the Court below.

N.ANAND VENKATESH, J



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Recording the above submission, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm

To

1. The Inspector of Police,
CCB, EDF – II, Group – 4,
Egmore, Chennai.
2. The Public Prosecutor,
High Court, Madras.

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