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CrI.OP.No.21913 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2023

CORAM:

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

CrI.OP.No.21913 of 2021

Western India Match Factory Workers Union,
Represented by its General Secretary,
A.Immanuel,
No.272, Thiruvottriyur High Road,
Tiruvottriyur, Chennai 600 019

... Petitioner

Vs.

1.The State rep. by its
Inspector of Police(crime),
H-8, Thiruvottriyur Police Station,
Chennai
2.The Manager,
HDFC Bank,
Thiruvottriyur
3.The Sub Registrar,
Sub Registrar Office,
Thiruvottriyur
4.M/s.Ganesh Goundations,
No.20, Agtabujam Road,
Choolai, Chennai 600 012
(R2 to R4 impleaded as per order made in
CrI.OP.No.21913 of 2021 dated 19.11.2021)

... Respondents

PRAYER: Criminal original petition is filed under Section 482 of Cr.P.C. to
direct the respondent not to interfere in the affairs of the petitioner Union with
regard to alienation of the petitioner Union's property and its bank operations.



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For Petitioner : Mr.C.Prabhakaran

For Respondents
For R1 & 3 : Mr.A.Gopinath,
Government Advocate(Crl.side)

For R2 : Mr.C.Mohan
for M/s.King and Partridge

For R4 : Mr.R.C.Paul Kanagaraj

ORDER

This Criminal Original Petition has been filed for direction to the first respondent not to interfere with the affairs of the petitioner Union with regards to alienation of the petitioner Union's property and its bank operations.

2. Heard, the learned counsel appearing on either side.

3. On the complaint lodged by the fourth respondent, the second respondent had written to the second respondent to freeze the account and not to permit the petitioner to operate the same. It is seen that there is an internal dispute between the members of the petitioner association. According to the members, the General Secretary who represents the petitioner Union was removed by their resolution. However, he is acting as General Secretary. In that regard, there is a dispute between them. Though the fourth respondent lodged



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complaint in the year 2021 and CSR No.709 of 2021 was issued, it was enquired and subsequently the same was closed and directed to convene a General Body Meeting for resolving the issues arisen between them. The closure report further states that the parties are directed to approach civil court for appropriate relief. That apart, the allegations levelled as against the petitioner are civil in nature. As such, the parties are directed to approach civil court for appropriate relief. However, even till today, the petitioner is not permitted to operate its account.

4. Hence, the first respondent has no authority to freeze the account even without registration of any FIR. Further, the first respondent has no authority to direct the Registrar concerned not to deal with the property belongs to the petitioner. Therefore, the second respondent is directed to permit the petitioner to operate its account forthwith. At the same time, if any complaint is lodged by any member of the petitioner Union, the first respondent is directed to deal with the complaint and proceed in accordance with law, if any cognizable offence made out. The petitioner can deal with the property belongs to its association in accordance with law.

5. With the above directions, this criminal original petition is disposed of.



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Index : Yes/No

Internet : Yes/No

Speaking order/non-speaking order
lok

To

1. Inspector of Police(crime),
H-8, Thiruvottriyur Police Station,



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- Chennai
- 2.The Manager,
HDFC Bank,
Thiruvottiyur
 - 3.The Sub Registrar,
Sub Registrar Office,
Thiruvottiyur
 - 4.M/s.Ganesh Foundations,
No.20, Agtabujam Road,
Choolai, Chennai 600 012
 - 5.The Government Advocate,
High Court of Madras

G.K.ILANTHIRAIYAN, J.

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