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Crl.O.P.No.24421 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2023

CORAM :

THE HONOURABLE Dr. JUSTICE G.JAYACHANDRAN

Crl.O.P.No.24421 of 2023

Hallark Foundations Lts (HFL)
Represented by Dr.S.Vijaya Kumar
CEO,
Hallmark Towers,
Ramapuram, South Phase
Guindy, Chennai-600 032.

... Petitioner

-VS-

1.The state by
Deputy Superintendent of Police
Economic Offences Wing (EOW)
Chennai-600 083.

2.The state rep by
Inspector of Police
Economic Offences Wing (EOW)
Ashok Nagar-Chennai-83

...Respondents

PRAYER : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the respondent not to harass the petitioner without prior notice in Cr.No.07 of 2022 pending investigation.



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For Petitioner

: Mr.K.P.Anantha Krishna

For Respondent

: Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.side)**ORDER**

The petition under Section 482 of Cr.P.C has been filed seeking direction to the respondent police not to harass the petitioner.

2. The petitioner company is the Public Limited Company, which has rented its premises to one Aarudhra Gold Trading Private Limited under an unregistered lease deed dated 28.04.2022 in respect of the premises owned by the petitioner company for a period of nine years. The rent, which was fixed at Rs.7 lakhs per month for a sum of Rs.86 lakhs been received as security deposit.

3. It appears that the lessee had went into trouble and fallen under the scam of investigation by the respondent police. A case in Crime No.7 of 2022 under Sections 420, 409, 406, 204, 201, 120B 109, 34 IPC and 3,5,21(1), 21(2) 21(3), 23, 25 of Banning of Unregulated Deposit Schemes Act, 2019 and Section 5 of TNPID Act, 1997 has been registered on 20.05.2022 less than a



month after leasing out the property by the petitioner to the accused company namely Aarudhra Gold Trading Private Limited.

4. The apprehension of the petitioner is that on 20.09.2023, he received a summon from the police to enquire about the case under investigation. The representative of the petitioner company attended the enquiry besides sending a detailed letter dated 04.10.2023 in response to the summons. However, the police wants the petitioner either to pay a sum of Rs.86 lakhs which was received from the accused company as security deposit towards the property lease deed or threatening that the account of the petitioner company will be freezed. Thus, a case of harassment being made out in the petition which is now sort to be restrained.

5. The learned Government Advocate (Crl.side) for the respondent police submitted that in the letter of the petitioner company dated 04.10.2023, they have stated certain facts regarding leasing out the property, receipt of the security deposit, the amount payable by the lessee over and above the security deposit and also the petitioner has stated that the representative of the accused company one Mohan Babu turned up and handed over the key with written letter handing over the possession. In this regard, the petitioner is required to be



enquired and documents to be collected. If the petitioner responds to the summon and produce all those documents, it will be helpful for the Investigating Officer to satisfy about the explanation and to proceed further in the investigation. The learned Government Advocate(Crl.side) also made it clear that there is no intention of freezing the account of the petitioner company at present.

6. Recording the statement of the learned Government Advocate(Crl.side), the Criminal Original Petition is disposed of with a direction to the respondent police to collect the necessary details from the petitioner herein regarding the lease transaction and proceed in accordance with law.

24.11.2023

Internet : Yes/No
Index : Yes/No
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To
1.The Deputy Superintendent of Police
Economic Offences Wing (EOW)
Chennai-600 083.



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2.The Inspector of Police
Economic Offences Wing (EOW)
Ashok Nagar-Chennai-83

Dr.G.JAYACHANDRAN, J.

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24.11.2023