



W.P.(MD) No.20706 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD) No.20706 of 2023

G.Thangam

... Petitioner

/vs./

1.The Superintendent of Police,
Economic Offence Wing,
Race Course Road,
Near Arabic College,
Mannarpuram, Trichy -23.

2.The Deputy Superintendent of Police,
Economic Offence Wing,
Race Course Road,
Near Arabic College,
Mannarpuram, Trichy -23.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from taking the petitioner any coercive measures against the petitioner pending the disposal of the Insolvency Petition in I.P.No.14 of 2018 before the file of the 2nd Sub-Court, Trichy by considering the petitioner's representation dated 16.08.2023 within a time frame fixed by this Court.



WEB COPY

W.P.(MD) No.20706 of 2023

For Petitioner : Mr. S.I.Muthiah
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (criminal side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a Mandamus to the respondent police not to harass the petitioner until I.P.No.14 of 2018 pending on the file of the 2nd Sub-Court, Trichy is disposed of.

2.It is submitted by the learned counsel for the petitioner that the petitioner has borrowed money from various persons and on account of incapacity, he could not discharge the same, thereby he filed I.P.No.14 of 2018 on the file of the 2nd Sub Court, Trichy and the same is pending consideration. It is submitted that the petitioner has borrowed an amount of Rs.2,40,00,000/- from 256 persons and during the pendency of I.P.No.14 of 2018, 100 persons were settled and he is also preparing to discharge all the loans to the remaining persons. It is submitted further that though the petitioner is taking effective steps to discharge all the loans, on the basis of a complaint given by some persons, the respondent police are harassing the petitioner.



W.P.(MD) No.20706 of 2023

WEB COPY

3.The learned Government Advocate (Crl.side) on the other hand submits that the petitioner has started unofficial chits and thereby about 20 persons have made complaint against the petitioner as their money ie., an amount of Rs. 42,00,000/- is involved and that the petitioner has not been paying the same. In that context, the police have been enquiring. It is submitted that on the basis of one complaint, a case in Crime No.18 of 2018 was registered against the petitioner for the offences punishable under Sections 420 and 406 IPC and the investigation is going on.

4.Since the complaint is registered against the petitioner and the investigation is going on, the petitioner cannot seek for any direction that the police shall not intervene until the disposal of I.P.No.14 of 2018. Irrespective of the fact that I.P.No.14 of 2018 filed by the petitioner is still pending for adjudication and irrespective of the fact that the petitioner is honestly trying to discharge all the loans to the persons, from whom he borrowed money, if at all any offence is committed or about to be committed, the respondent police are at liberty to make an enquiry, since it is reported that the petitioner has obtained bail in Crime No.18 of 2018.



W.P.(MD) No.20706 of 2023

WEB COPY

5. In view of the above, this Petition is disposed of directing the respondent police to expedite the investigation as quickly as possible and in case if the presence of the petitioner is required during the course of investigation, the respondent police are directed to follow the procedure scrupulously by issuing summons etc., It is needless to state that the respondent police are not expected to call and harass any of the family members of the petitioner, who are not involved in the offence. No costs.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

25.08.2023

mm

To

1. The Superintendent of Police,
Economic Offence Wing,
Race Course Road,
Near Arabic College,
Mannarpuram, Trichy -23.
2. The Deputy Superintendent of Police,
Economic Offence Wing,
Race Course Road,
Near Arabic College,
Mannarpuram, Trichy -23.

4/5



WEB COPY



W.P.(MD) No.20706 of 2023

DR.D.NAGARJUN, J.

mm

W.P.(MD) No.20706 of 2023

25.08.2023