



W.P.(MD) No.26321 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE **K.K.RAMAKRISHNAN**

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The Shanthi Multi Speciality Hospital Private limited,
Represented by the Managing Director,
Manoranjitham Kandasamy,
284/11, Rajiv Nagar, Tiruchuli Road,
Aruppukkottai,
Tamil Nadu – 626 101.

...Petitioner

Vs.

1. The Additional Director General of Police,
Office of the Additional Director General of Police,
Economic Offences Wing,
2nd Ave, X Block,
Tower Park, Anna Nagar,
Chennai,
Tamil Nadu – 600 040.
2. The Deputy Superintendent of Police,
Economic Offences Wing – Madurai,
No.4/425A, Chandrapandiyar Nagar,
Opposite to Tapal Thanthi Nagar Bus Stop,
Madurai – 625 014.
3. The Inspector of Police,
Economic Offences Wing – Madurai,
No.4/425A, Chandrapandiyar Nagar,
Opposite to Tapal Thanthi Nagar Bus Stop,
Madurai – 625 014.



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4.S.Banumathi

...Respondents

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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st to 3rd respondent to consider the representation dated 18.09.2023, by deciding whether the lodged complaint would come under the preview of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, 1997.

For Petitioner	:Mr.Niranjana S.Kumar
For R1 to R3	:Mr.R.M.Anbunithi Additional Public Prosecutor (Crl. Side)

ORDER

This Writ Petition is filed to direct the 1st to 3rd respondent to consider the representation dated 18.09.2023, by deciding whether the lodged complaint would come under the preview of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, 1997.

2. Mr.R.M.Anbunithi, learned Additional Public Prosecutor takes notice for the respondents No.1 to 3.

3. Heard both sides.



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4. According to the learned counsel for the petitioner, the petitioner made a representation to the 1st to 3rd respondents on 18.09.2023, stating that the allegations made against the petitioner by the fourth respondent in the complaint are not come under the offence under Tamil Nadu Protection of Interests of Depositors (In Financial Establishment) Act, 1997. He also questioned the jurisdiction of Police.

5. The learned Additional Public Prosecutor on instruction submitted that fourth respondent gave a complaint to the Commissioner of Police, Madurai, and the same was forwarded to the second respondent. Pending the said complaint, one Banumathi / fourth respondent filed a Writ Petition in W.P(MD) No.20443 of 2023, in which, this Court passed the following orders:

“4.Since the action has already been initiated on the complaints given by the petitioner, no further directions are required in this petition. Accordingly, this Writ Petition is closed. However, in case the petitioner is not satisfied with the outcome of the investigation, she is at liberty to approach this



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Court again. The respondents Police are directed to dispose of the representation of the petitioner, dated 05.07.2023 and 07.08.2023, within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.”

6. Thereafter, summon was issued by the respondents Police to the petitioner. According to the learned counsel for the petitioner, he appeared before the respondents Police and thereafter, he sent a representation, dated 18.09.2023. Thereafter, he filed the present Writ Petition.

7. The learned Additional Public Prosecutor submitted that after conducting the preliminary enquiry, the third respondent registered a case in Crime No.6 of 2023 for the offences punishable under Sections 406, 120, 120(B) of IPC and 5 of TN Protection of Interest of Depositors (In Financial Establishment) Act, 1997, in which, seven persons are arrived as the accused and the petitioner's company is also arrived as the first accused.



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8. Since the First Information Report is registered, this matter has become infructuous. This petitioner is at liberty to raise the plea of jurisdiction of the respondent Police to register the case under the Tamil Nadu Protection of Interest of Depositors (In Financial Establishment) Act, before the appropriate forum by initiating appropriate proceedings.

9. With above said observation, this Writ Petition is dismissed. No costs.

06.11.2023

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

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K.K.RAMAKRISHNAN, J

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To

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Opposite to Tapal Thanthi Nagar Bus Stop,
Madurai – 625 014.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P(MD)No.26321 of 2023

06.11.2023