



Crl.O.P.(MD)No.21022 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 23/11/2023

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The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP (MD)No.21022 of 2023

V.Isaki Muthu : Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi,
Tenkasi District.

2.The Additional Superintendent of Police,
District Crime Branch,
Tenkasi.

3.The Inspector of Police,
District Crime Branch,
Tenkasi.

4.Ismail Mydeen : Respondents

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to direct the 2nd and 3rd respondents police not to harass the petitioner and his family under the guise of enquiry and consequently take action against him, who harassed the petitioner in the guise of enquiry and to pass such further or other orders.

For Petitioner : Mr.M.Ravi Raja Verma

For R1 to R3 : Mr.M.Sakthi Kumar
Government Advocate
(Criminal side)



O R D E R

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This criminal original petition is filed seeking for direction to the 2nd and 3rd respondents police not to harass the petitioner and his family members under the guise of enquiry and consequently, take action against him, who harassed the petitioner in the guise of enquiry.

2.The facts in brief:-

A case in Crime No.12 of 2023 was registered on the basis of the complaint given by one Ismail Mydeen, who is the 4th respondent herein. In the complaint, it has been stated that when he was working in abroad one Ali belongs to Kadayanallur was known to him. He told him that he is doing Bakery business and promised higher return if investment is made by him. Believing the words of Ali, on several days, he gave Rs.25,00,000/- to him. The above said promise was made on behalf of the accused by the above said Ali. Totally, Rs.25,00,000/- was paid by him to the accused believing their words. But later, they defaulted, either giving profit or returning the principal amount. In spite of repeated demand and request, it was delayed. Since no proper reply was given to him, he made an enquiry with neighbours. At that time, he came to know that, Ali cheated other persons in like manner. He again contacted A2 over phone, he also



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refused to return the money. Based upon the complaint given by Ismail Mydeen, a case in Crime No.12 of 2023 was registered against two persons.

3.During the pendency of investigation, it came to light that A1 pledged the jewels and other things with this petitioner, who is working as Manager in Muthood Finance, Kadayanallur. So summon was issued to Muthood Finance to give information regarding the pledge made by A1. The above said letter was received by them, on 27/10/2023.

4.Now this criminal original petition has been filed seeking an order to direct the respondents 2 and 3 herein not to harass the petitioner and his family members under the guise of enquiry.

5.Heard both sides.

6.As mentioned in the preamble portion of the order, the first accused stated to have pledged the jewels in the company called 'Muthood Finance'. This petitioner is working as Manager. Only the Company ought to have filed petition seeking for direction. But this petitioner in his official capacity as Branch Manager has chosen to file this petition.



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7.In a similar circumstance in ***W.P(MD)Nos.16733 of 2016 and 7361 of 2019, dated 02/09/2022 (Sriram City Union Finance Ltd., represented by its Regional Manager, P.Anandaraj Vs. The Superintendent of Police, Madurai and 5 others)***, the following order was passed by this court.

"22.So, both the writ petitions are dismissed with the following directions:-

(1)W.P(MD)No.7361 of 2019 is dismissed finding that such a direction cannot be issued to the Inspector of Police, since as per the law, they are bound to investigate the same and whether the jewels have to be recovered or not is within the investigating power of the 2nd respondent herein.

(2)W.P(MD)No.16733 of 2018 is also dismissed with liberty to the petitioner company to work out their remedy through appropriate proceedings at the relevant time through appropriate proceedings to recover the amount, which is involved in the above said issue. It is further directed that the petitioner company in WP(MD)No. 16733 of 2018 shall cooperate with the Investigating Officer to complete the process of investigation by sharing the information that was available with



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*them. No costs. Consequently, connected
Miscellaneous Petitions are closed."*

8.Now whatever it may be, in similar situation, the Coordinate Bench of this Court has passed an order as stated above. Consistent order is passed by this court periodically in like manner. The above said order will stands applicable to the present case also.

9.As mentioned above, whether the jewels were pledged with the petitioner company is a profit of crime or not is a matter for thorough investigation. So the petitioner is duty bound to co-operate with the Investigating Officer to complete the process of investigation to find out the above said point. So the question of harassment will not arise. The petitioner as well as the 3rd respondent herein are directed to comply the above said procedures as pointed out in the above said orders.

10.In the result, this criminal original petition stands **disposed of** as indicated above.

23/11/2023

Index:Yes/No
Internet:Yes/No
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To,

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- 1.The Superintendent of Police,
Tenkasi,
Tenkasi District.
- 2.The Additional Superintendent of Police,
District Crime Branch,
Tenkasi.
- 3.The Inspector of Police,
District Crime Branch,
Tenkasi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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