

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE TENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE C. V. BHASKAR REDDY

WRIT PETITION NO: 23828 OF 2023

Between:

Manappuram General Finance and Leasing Limited., having its registered office at IV / 470 (old) W638A (New), Manappuram House, Valapad, Thrissur, Kerala, India - 680 567 and its branch office at Kalyan Durg, Building No 10-1, 10/375, 1st floor, Masaavari Veedhi, Ananthpur Dist. Andhra Pradesh. Pin - 515761.

...PETITIONER

AND

1. The State of Telangana, Rep by its principal Secretary, Dept of Home, Secretariate, Hyderabad.
2. The Director General of Police, The DGP Office, Lakdikapool, Hyderabad.
3. The Station House Officer, Makthal PS, Narayanpet District
4. Katta Veera Sekhar, S/o. Late Laxmi Narayana, Aged about 56 years, Occ. Business, R/o, Makthal Village, Narayanpet District, TS - 509208.
5. B Anand, S/o. Bandi Parameswarappa, Aged about 24 years, Occ. Business, R/o, 8/1212, B C Colony, Kalyanadurgam, Anantapur District, AP - 515761.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction, more in the nature of writ of Mandamus.

a. To declare to declare the Notice issued by Respondent No.3 to Petitioner U/s 91 of Cr.P.C all dated 26.08.2023 (Hereinafter referred to as (Impugned Notice) in respect of loan accounts No. 0119470750000034, 0119470700071058 and personal visits and extending threats to the employees of the Petitioner Company to hand over the pledged gold ornaments in respect of loan amounts sanctioned to B Anand i.e. Respondent No.5 herein without any manner of right under the guise of investigation of FIR No.191 of 2023 under Section 454, 380 of IPC, Makthal Police Station and interference of Respondent No.3 with the day to day business activities of the Petitioner Company without following due process of law as illegal, unwarranted, unsustainable, collusive, excessive, arbitrary against the settled principles of law as well as principles of natural justice, and

b. Consequently, set aside the impugned notice dated 26.08.2023 of Respondent No.3 and direct the Official Respondents not to interfere in civil disputes and also with the business activities of the Petitioner Company without following due process of law

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No. 3 not to interfere in the business activities of the Petitioner Company under the guise of Notices dated 26.08.2023 and crime against the mortgagor without following due process of law, pending disposal of present writ petition

Counsel for the Petitioner: SRI M. SAI CHANDRA HAAS

Counsel for Respondent Nos. 1 to 3: GP FOR HOME

Counsel for Respondent Nos. 4 & 5: ----

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE C. V. BHASKAR REDDY

WRIT PETITION No.23828 of 2023

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking the following relief:

"...to issue a writ, order or direction, more in the nature of writ of Mandamus:

- a. To declare to declare the Notice issued by Respondent No.3 to Petitioner U/s 91 of Cr.PC all dated 26.08.2023 (Hereinafter referred to as "Impugned Notice") in respect of loan accounts No. 0119470750000034, 0119470700071058 and personal visits and extending threats to the employees of the Petitioner Company to hand over the pledged gold ornaments in respect of loan amounts sanctioned to B Anand i.e. Respondent No.5 herein without any manner of right under the guise of investigation of FIR No.191 of 2023 under Section 454, 380 of IPC, Makthal Police Station and interference of Respondent No.3 with the day to day business activities of the Petitioner Company without following due process of law as illegal, unwarranted, unsustainable, collusive, excessive, arbitrary against the settled principles of law as well as principles of natural justice; and*
- b. Consequently, set aside the impugned notice dated 26.08.2023 of Respondent No.3 and direct the Official Respondents not to interfere in civil disputes and also with the business activities of the Petitioner Company without following due process of law;..."*

2. The petitioner is a Non-Banking Financial Institution registered as a company under the Indian Companies Act and having certificate of registration issued by the Reserve Bank of India. The petitioner company has branches throughout India and as a part of its business it grants loans to the customers on the

security of gold ornaments pledged by them. It is the case of the petitioner that in the regular course of its business, in August, 2023, the respondent No.5 approached the petitioner company with gold ornaments stating that he is the lawful owner of the gold ornaments and believing the version of respondent No.5, the petitioner company on pledging the gold ornaments as security and after taking undertaking from the respondent No.5, sanctioned gold loan of Rs.5,75,900/- to the respondent No.5. It is further case of the petitioner that respondent No.3 issued impugned notice under Section 91 Cr.P.C dated 28.06.2023 to the petitioner directing to handover the gold ornaments pledged by respondent No.5 stating that a case in Crime No.191/2023 was registered against the respondent No.5 for the offences under Sections 454 and 380 IPC. It is further case of the petitioner that official respondents are indirectly trying to seize the gold ornaments from the petitioner company without clearing dues of the respondent No.5 under the loan agreement and also without confirmation or investigating if the stolen gold and pledged gold is one and the same.

3. A counter affidavit has been filed by the respondent No.3, wherein *inter alia* it is stated that the respondent No.4 lodged a complaint dated 15.08.2023 on the file of respondent No.3 stating

that some unknown persons stolen 14 tolas of gold ornaments and net cash of Rs.4,00,000/- on 15.08.2023 and in pursuance of said complaint, a case in Crime No.191 of 2023 was registered for the offences under Sections 454 and 380 of IPC and investigation has been taken up. It is further stated that during the course of investigation, it was revealed that one Peetla Gangadhar committed the offence and gave the said stolen ornaments to the respondent No.5 and the respondent No.5 in turn, pledged the said gold ornaments with the petitioner herein on 22.08.2023 and 25.08.2023 and obtained Rs.5,75,900/-. Out of the said amount, the said Peetla Gangadhar took Rs.4,00,000/- from the respondent No.5 and balance amount is with the respondent No.5. As such, the respondent No.3 arrayed the said Peetla Gangadhar as Accused No.1, respondent No.5 as Accused No.2 and the concerned branch belonging to Manappuram General Finance i.e, petitioner as Accused No.3, because the petitioner has received the stolen property from respondent No.5/A.2 without following due procedure of verifying the invoices of ornaments. After adding the petitioner as accused in the said crime, the respondent No.3 issued notice under Section 91 Cr.P.C dated 26.08.2023 directing to handover the stolen property to the respondent No.3 for the purpose of investigation. The petitioner instead of cooperating with

the investigating agency, has filed the present Writ Petition with baseless allegations and prayed to dismiss the writ petition.

4. As per Section 91 of Cr.P.C, whenever any Court or any officer in charge of a police station considers that the production of any document or other thing is necessary or desirable for the purpose of any investigation, inquiry, trial or other proceeding under the Code of Criminal Procedure by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order. In the instant case, the petitioner is arrayed as Accused No.3 in the subject Crime No.191/2023 on the file of Makthal Police Station and the respondent No.3 as a part of investigation has issued notice under Section 91 of Cr.P.C to the petitioner. If the petitioner is having any grievance with regard to seizure of the gold ornaments by the police or if he thinks that the allegations made in the F.I.R, do not make out a case, he is at liberty to file an appropriate application seeking quashment of proceedings.

5. With the above observations, this Writ Petition is disposed of.

As a sequel, miscellaneous petitions, if any, pending shall stand closed. No order as to costs.

SD/- P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. One CC to Sri M Sai Chandra Haas Advocate [OPUC]
2. Two CCs to GP For Home, High Court for the State of Telangana. [OUT]
3. Two CD Copies

MBC
GJP



HIGH COURT

DATED: 10/10/2023



ORDER

WP.No.23828 of 2023

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

6
[Signature]
02/11/2023