



WEB COPY



Writ Petition No.1491 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.1491 of 2024

FEDBANK FINANCIAL SERVICES LTD.,
regional office at No.103, Navins Presidium,
B-Block, 5th Floor, Nelson Manickam Road,
Aminjikarai, Chennai – 600 029.
and Having branch office at
D.No.42, First Floor, Cherry Road, Near Bus Stop,
Hasthampatty, Salem – 636 007.
represented by its Authorised Officer/
Regional business head (Gold Loan)
Mr.V.Rajan

... Petitioner

Vs.

1.Inspector of Police,
Hasthampatty Police Station,
Salem City.

2.Nandhagopal
S/o.Sethu

3.M/s.Perumal Financers
represented by Mr.Perumal V
S/o.AV. Valliappan

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent not to seek for possession of the pledged ornaments by the second respondent with the petitioner as mentioned in the seizure letter dated 06.01.2024 in FIR No.11 of 2024 on the file of first respondent.



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Writ Petition No.1491 of 2024

For Petitioner : Mr.V.Balasubramani
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor [R1]

ORDER

This writ petition has been filed for issuance of a writ of mandamus directing the first respondent not to seek for the possession of the pledged ornaments by the second respondent as mentioned in the seizure letter dated 06.01.2024 in Crime No.11 of 2024.

2. Heard Mr.V.Balasubramani, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for first respondent.

3. Learned counsel for petitioner submitted that the investigation is at the preliminary stage and hence, the respondent police should not seek for possession of the pledged ornaments. Learned counsel submitted that the second respondent is due and payable a sum of Rs.78,00,000/- as on today to the petitioner bank. To substantiate his submission, learned counsel relied upon the order passed by this Court in W.P.No.30018 of 2017, dated 29.11.2023.



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4. Learned Additional Public Prosecutor, on instructions, submitted that the case has now been transferred to the file of Central Crime Branch, Salem, on 07.01.2024 and First Information Report has been renumbered as Crime No.1 of 2024. In view of the same, learned Additional Public Prosecutor submitted that the notice issued by the first respondent will not have any consequence. Learned Additional Public Prosecutor further submitted that the Central Crime Branch, Salem, will take an appropriate decision in the course of investigation.

5. In the light of the above submission made by learned counsel appearing on either side, it is not necessary for this Court to go into the legality or otherwise of the letter dated 06.01.2024 issued by the first respondent. Since the investigation has been transferred to the Central Crime Branch, it is always left open to the Central Crime Branch, to take appropriate decision strictly in accordance with law in the course of investigation in Crime No.1 of 2024.

Accordingly, this writ petition is disposed of. No costs.

23.01.2024

Speaking Order/Non-speaking Order
Index :Yes/No
Neutral citation: Yes/No
gm



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N.ANAND VENKATESH, J.

gm

To

- 1.The Inspector of Police,
Hasthampatty Police Station,
Salem City.
- 2.The Public Prosecutor,
High Court, Madras.

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23.01.2024