



W.P.No.10774 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.10774 of 2024
and W.M.P.No.11872 of 2024

M/s.Manappuram Finance Ltd.,
Represented by its General Manager (Legal Corporate),
Mrs. Suryaprabha M.V.,
having Regional Office at:
No.528, NSK Nagar, 3rd Avenue, Arumbakkam
Chennai-600106.

. . . Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Chief Secretary,
Secretariat, Fort St.George,
Chennai.

2.The Director General of Police,
Dr.Radhakrishnan Salai, road,
Mylapore, Chennai-600 004.

3.Reserve Bank of India,
Represented by its Regional Director
Fort Glacis, 16, Balaji Rd, Fort St George,
Chennai-600 001.

. . . Respondents



W.P.No.10774 of 2024

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the Respondents 1 and 2 herein to lay down procedure/guideline/notification for production of pledged gold ornaments by petitioner company which becomes the subject matter of an investigation under the Code of Criminal Procedure, on the basis of a First Information Report registered.

For Petitioner : Mr. Nitish Nataraj
for M/s.S.Suresh

For Respondents : Mr. K.M.D.Muhilan,
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 & 2 to lay down a procedure for production of pledged gold ornaments by petitioner company which becomes the subject matter of an investigation under the Code of Criminal Procedure, on the basis of a First Information Report registered.

2. Mr. K.M.D.Muhilan, learned Government Advocate (Crl.Side) takes notice on behalf of the respondents 1 & 2.



W.P.No.10774 of 2024

3. Since no adverse order is being passed against the 3rd respondent, notice to the 3rd respondent is dispensed with.

4. The Petitioner herein is a leading Non-Banking Finance Company registered with the Reserve Bank of India engaged in disbursing financial loans against securities such as gold which will be pledged by the borrowers at the time of availing loan. It is the case of the petitioner that one Saravanan Pichai had availed a loan to the tune of Rs.1,55,000/- on 08.03.2023 from Kovilmedu, Coimbatore branch of the Petitioner Company by pledging gold jewels worth 37.400 grams in favour of the petitioner Company. The Petitioner Company having obtained requisite declaration from the borrower regarding the ownership of the pledged, had disbursed the loan amount to the borrower. Subsequently, a case was registered by the Kavundampalayam Police Station, Coimbatore in Crime No.79 of 2024 pursuant to which, the Sub Inspector of said Police Station had seized the entire 37.4 gram of gold on 12.03.2023 which was in the custody of the petitioner company under the guise that a criminal investigation is pending against the said borrower. Hence, the petitioner made a representation dated



W.P.No.10774 of 2024

13.02.2024 to the 1st respondent requesting to issue appropriate directions to the police authorities with regard to seizure of the above said gold from the petitioner company. Since, no action has been taken on the same, the present Writ Petition has been filed by the petitioner.

5. Though very many grounds have been raised by the petitioner, learned counsel for the petitioner submits that it would suffice if this Court issues a direction to the 1st respondent to the police authorities to laydown appropriate procedure for the purpose of seizing gold jewels/ornaments.

6. Learned Government Advocate (Crl.Side) appearing for the respondents submits that there is a remedy available for the petitioner under section 451 of Code of Criminal Procedure for seeking return of properties. Instead of availing such remedy, filing of Writ Petition before this Court is not sustainable. Hence, the petitioner may be permitted to file appropriate application before the court concerned and the same shall be considered in accordance with law.



W.P.No.10774 of 2024

WEB COPY

7. As rightly pointed out by the learned Government Advocate, there is a remedy available under section 451 of Cr.P.C relating to seeking release/interim custody of the properties which are involved in the alleged offences under sections 457 & 380 of I.P.C. Instead of availing such remedy, filing Writ Petition before this Court under Article 226 for the said relief is not sustainable. Hence, the relief sought for in this Writ Petition cannot be acceded to.

8. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

22.04.2024

NHS

Index : Yes / No

Internet : Yes / No



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W.P.No.10774 of 2024

M.DHANDAPANI, J.

NHS

To

- 1.The Chief Secretary,
State of Tamil Nadu,
Secretariat, Fort St.George,
Chennai.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai, road,
Mylapore, Chennai-600 004.
- 3.The Regional Director
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W.P.No.10774 of 2024

22.04.2024