



WEB COPY



W.P.No.11953 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.04.2024

CORAM

THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

W.P.No.11953 of 2024

Yasmine Banu

... Petitioner

Vs.

1.The State of Tamil Nadu
The Inspector of Police,
EDF-1, CCB,
Tambaram City Police.

2.Mohamed Ashraf Buhari

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1st respondent to restrain / forbear to make any kind of attachment or encumbrance over the subject mentioned property under the guise of investigation pertaining to Crime No.37 of 2023 dated 04.02.2023 registered by the respondent police pending on the file of the respondent No.1.

For Petitioner : Mr.R.Ganesan

For R1 : Mr.S.Udayakumar
Government Advocate (Crl.Side)

For R2 : Mr.J.Antony Jesus



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ORDER

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The petitioner herein, who is one of the accused in Crime No.37 of 2023 dated 04.02.2023 pending investigation on the file of the Inspector of Police, EDF-1, CCB, Tambaram City Police, apprehending that his properties will be attached or encumbered pending investigation, the present Writ Petition is filed seeking Mandamus to direct the respondent from forbearing him from attaching the property.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police states that the case was registered for the offence under Sections 464, 465, 467, 471, 406, 420, 506 (i) r/w 34 IPC which is under investigation. *Prima facie* case has been made out to attract the Sections and several investors alleged to have been cheated on promise to give attractive returns on their investment. It is also the investigation indicates that from the proceeds of crime, the petitioners have invested several immovable properties and investigation is in progress.



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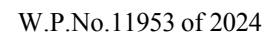
3. One of the defacto complainant through counsel intervene this petition and stated that unless the properties stands in the name of the petitioner it is impossible to recover the money cheated.

4. For interim attachment of the property pending criminal trial, there is a provision and law legislated by the State. No attachment of property can be done without following the said procedure. Therefore, the apprehension of the petitioner herein without any reason cannot be entertained to grant a blanket restrained order to the first respondent regarding attachment of the property of the petitioner. However, the respondent police if they intend to attach the property of the petitioner, same has to be done in accordance with law and procedure established under law.

5. With this observation, this Writ Petition is disposed of. No costs.

30.04.2024

rpl



rp1

2.The Public Prosecutor, High Court of Madras, Chennai

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