



WEB COPY



Crl.RC.No.1177 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2024

CORAM:

THE HONOURABLE **MR. JUSTICE M.DHANDAPANI**

Crl.RC.No.1177 of 2024

Vijaya Gunasekaran

...Petitioner

Vs.

1. The State,
Rep. by Additional Superintendent,
Economic Offence Wing- HQRS,
Ashok Nagar, Chennai – 600 083.

2. Chitradevi

3. M.Soundarrajan

...Respondents

Petition filed under Section 397 r/w 401 of Code of Criminal Procedure against the order in Crl.M.P.No.730 of 2024 in C.C.No.10 of 2023, on the file of the VIII Additional Special Judge for CBI Cases, Special Court under the TNPID Act (FAC), Chennai, dated 24.05.2024.

For Petitioner : Mr.V.Raghavachari Senior counsel
for S.Rathi

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)

ORDER

This Criminal Revision Case is filed to set aside the order in



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Crl.M.P.No.730 of 2024 in C.C.No.10 of 2023, on the file of the VIII Additional Special Judge for CBI Cases, Special Court under the TNPID Act (FAC), Chennai, dated 24.05.2024.

2. According to the petitioner, she is the owner of the undivided share of 690 sq.ft. Bearing Plot No.15 T.V.S. Nagar, North Koratur, Chennai – 600 076 comprised in T.S.No.48/10, Block No.20, Ward E of Korattur Village, Ambattur Taluk Chennai from one M.Senthil Kumar and P.Tamil Selvi vide sale deed dated 24.11.2021 and on the same day she entered into a construction agreement for construction of Flat No.S3 in second floor measuring 1800 sq.ft. In the purchased land with one S.K.Builders. Thereafter, the petitioner entered into a lease agreement with one Chitradevi for a sum of Rs.10,00,000/- and on receipt of the same, the petitioner handed over the possession of the fully furnished house to her sister-in-law who is the wife of petitioner's brother. Thereafter, she came to know that an FIR has been registered in Cr.No.21 of 2022 against the petitioner's brother in the offence of cheating public money, due to which the petitioner received summons dated 30.12.2022 from the first respondent



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Police to appear for enquiry. Due to some medical issue, the petitioner was not able to appear for enquiry instead her husband appeared for enquiry and stated that the petitioner only leased out the property to her brother.

3. Thereafter, the petitioner's brother was remanded to judicial custody and respondent Police filed the final report and the same was taken on file in C.C.No.10 of 2023 before the trial Court. As the first respondent locked the petitioner's flat, she filed an application before the trial Court in Crl.M.P.No.156 of 2024 seeking to remove the lock and handover the vacant possession of the rented premises. However, the same was allowed with a direction to the petitioner to pay a sum of Rs.10,00,000/- and also directed the Competent authority to take charge of materials available in the said premises and to sell all the commodities in public auction. Challenging the same, the petitioner is in this revision petition.

4. Though very many grounds have been raised by the petitioner against the order impugned, however, when the matter is taken up for hearing learned counsel for the petitioner submitted that this Court may grant liberty to the petitioner to work out the remedy in the manner known



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5. Heard the learned Government Advocate appearing for the first respondent and perused the materials placed on record.

6. Considering the facts and circumstances of the case and also the limited request sought for by the learned counsel appearing for the petitioner, this Court without going into the merits of the case and without interfering with the impugned order grants liberty to the petitioner to work out her remedy in the manner known to law.

7. Accordingly, this Criminal Revision Case is dismissed.

22.07.2024

rap
Index : Yes/No
Speaking order : Yes/No
NCC : Yes/No



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1. The Additional Superintendent,
Economic Offence Wing- HQRS,
Ashok Nagar, Chennai – 600 083.
2. The VIII Additional Special Judge for CBI Cases,
Special Court under the TNPID Act (FAC), Chennai
3. The Public Prosecutor
High Court, Madras.



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M.DHANDAPANI, J.

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