



W.P.(MD). No. 8939 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD). No. 8939 of 2023

R.Natarajan

... Petitioner

Vs.

1. The District Collector,
Theni District,
Theni.
2. The Superintendent of Police,
Theni District,
Theni.
3. The Inspector of Police,
District Crime Branch,
Theni District,
Theni.
4. S.S.Gold,
Represented by its Proprietor,
Muralitharan,
No.14/61, Vellaiyandi Street,
Maravar Chavadi, North Side,
Bodinayakkanur,
Theni District.
5. Kosamattam Finance Ltd.,
Rep by its Branch Manager,



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Kamaraj Bazar.
(Royal men/s wear upstairs)
Bodinayakkanur,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to directing the respondents 1 to 3 to complete the process of hand-over the pledged gold ornaments, in furtherance of registration of F.I.R. in Crime No.3 of 2013 under Sections 406, 409, 420 r/w. 34 of IPC and Section 16(A) TNPV Act, 1943 from the custody of the 5th respondent to the members of the petitioners association by necessary verification if necessary after receiving the loan liability till the registration of F.I.R.

For Petitioner : Mr.S.Siva Ilayaraja

For R1 to R3 : Mr.B.Thanga Aravindh,
Government Advocate
(Crl. Side)

For R4 : Mr.K.A.S.Prabhu

For R5 : M/s.S.Malaikani

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents 1 to 3 to complete the process of handing over



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the pledged gold ornaments in furtherance of the registration of FIR in Crime No. 3 of 2013 from the custody of the 5th respondent to the members of the petitioner's association.

2. When the matter came up for hearing on 07.06.2023, this Court directed the Registry to call for the report from the learned Chief Judicial Magistrate, Theni with regard to the particulars of the property that was recovered during the investigation. Accordingly, a report has been submitted by the learned Judicial Magistrate, Theni to the learned Chief Judicial Magistrate, Theni on 23.06.2023. On going through the same, it is seen that initially the police recovered only two properties. One property is a gold ring (2 grams) and other property is cash to the tune of Rs.8,000/-. With respect to both these properties, applications were filed for return of property and the same was allowed and interim custody has also been given.

3. In the course of investigation, 56 other items were also recovered. These items do not include any gold jewelry. Even with respect to these 56 items, an application was filed by one Muralidharan



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seeking for return of property and this application was also allowed and interim custody was given to the said Muralidharan.

4. Apart from the above, nothing else was recovered by the police in the course of investigation. The investigation has been completed and police report has been filed before the learned Judicial Magistrate and it has been taken on file in C.C. No. 146 of 2019 on 13.07.2019. The report states that the case is now at the stage of trial.

5. In the light of the above report, the relief as sought for by the petitioner cannot be granted by this Court. The police must have recovered the gold jewelry/ornaments in order to issue such a direction sought for by the petitioner. What has been recovered is only one gold ring (2 grams) which has also been returned back as interim custody pursuant to an application filed in CrI.MP.No.6273 of 2018 by order dated 22.10.2018. In view of the same, no further orders can be passed in this writ petition.



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6. In the result, the writ petition is disposed of accordingly. No costs.

21.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

1. The District Collector,
Theni District,
Theni.
2. The Superintendent of Police,
Theni District,
Theni.
3. The Inspector of Police,
District Crime Branch,
Theni District,
Theni.



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N.ANAND VENKATESH,J.

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Order made in
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