



Crl.O.P.(MD)No.585 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 25.10.2024

Pronounced on : 30.10.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.585 of 2024

Ricky

... Petitioner

Vs.

1.The Inspector of Police,
Economic Offences Wing,
Madurai District.
In Crime No.3 of 2023.

2.The Inspector of Police,
Economic Offences Wing,
Virudhunagar District.

3.The Village Administrative Officer,
Ponmeni Group,
Madurai West Taluk,
Madurai.

... Respondents

Prayer : This Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to hand over the petitioner's property situated at 1st and 2nd Floor, No.85, Subramania Pillai Street, S.S.Colony, Madurai after removal of the material evidence from the said property.



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For Petitioner : Mr.M.Subash Babu,
Senior Counsel
for M/S.Subash Law Office

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor.

ORDER

This criminal original petition has been filed seeking orders to direct the respondents to hand over the petitioner's property situated at 1st and 2nd Floor, No.85, Subramania Pillai Street, S.S.Colony, Madurai after removal of the material evidence from the said property.

2.The case of the petitioner is that the petitioner's mother had entered into a rental agreement with one Kamalakannan, Managing Director of Ventura Developers India Limited, in respect of the third floor of Ricky Towers for a period of nine years and subsequently, the same was renewed for further period of six years till 03.09.2024, that the second floor of the Ricky Towers was given to the same Kamalakannan for running another company namely Neomax Properties Private Limited, that on 26.07.2023, the first and second respondents came to the building and



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seized some materials and also sealed the second and third floors of the Ricky Towers in connection with the case in Cr.No.3 of 2023, which was registered by the first respondent for the offence under Sections 406, 420, 120(b) IPC and Section 5 of TNPID Act, that the petitioner came to know that the said company involved in cheating of public money and hence, the above case came to be registered as against them.

3.The learned Additional Public Prosecutor appearing for the respondents would submit that Neomax Properties Private Limited, who is now accused in Cr.No.3 of 2023, was running its business in the second and third floors of the Ricky Towers, that they have conducted search and seized some materials with respect to the said case and that the investigation is pending.

4.Admittedly, the petitioner or his family members are not accused in the case in Cr.No.3 of 2023 on the file of the first respondent. It is not the case of the respondent that the petitioner or his family members were having connection with the accused or they had connection with the properties of the accused. But, on the other hand, it is admitted by both



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the parties that the second and third floors of the Ricky Towers are owned by the petitioner and his family members and that the said Kamalakanna, who is the accused, had taken both the floors for rent to run his company.

5.The learned counsel appearing for the petitioner would submit that the respondent Police has conducted search in both the floors and seized some materials and that thereafter, they have locked and sealed the premises.

6.The learned Additional Public Prosecutor would fairly concede that they have already taken inventory of the articles available in the premises.

7.If it is so, this Court is at loss to understand as to why the said two floors were kept under lock and seal by the respondent Police from 26.07.2023, ie., for the past 15 months.

8.As rightly pointed out by the learned counsel appearing for the petitioner, the petitioner and his family members losing rents and are



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suffering from subsequent loss. The respondents have not assigned any valid reasons or grounds to keep the premises in their possession by lock and seal.

9.Considering the above, this Court has no hesitation to hold that the very locking and sealing of the premises cannot legally be sustained and hence, the respondents are directed unlock and unseal the premises and take articles and other materials available in the premises into their custody and hand over the vacant possession of the property to the petitioner, within a period of three weeks from the date of receipt of a copy of this order.

10.With the above directions, this criminal original petition is allowed.

30.10.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
gns

Note : Issue order copy on 25.11.2024



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To

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Madurai West Taluk,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

gns

Pre-Delivery Order made in
CrI.O.P.(MD)No.585 of 2024

30.10.2024