



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-47701-2024

Date of decision: 23.09.2024

Manappuram Finance Limited

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Yogesh Jangra, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by petitioner seeking quashing of notice dated 16.09.2024 Annexure A-1 issued by the investigating officer of Police Post Samalkha, District Panipat to Manager of Panipat branch of petitioner, under Section 91 Cr.P.C with direction to handover one gold ring and two bangles which were lying deposited in the said branch, the said jewellery being case property in a criminal case having FIR No.288 dated 08.05.2024, under Sections 380, 454, 34 IPC, Police Station Samalkha, District Panipat.

2. Notice of motion.

3. Mr. A.K. Sehrawat, DAG, Haryana, accepts notice on behalf of the State.

4. The counsel for the petitioner submits that petitioner is a company doing business in sanction of loan on pledge of gold etc. Raj Bala wife of Rajender resident of Village Dahar, District Panipat took loan of Rs.76,900/- by pledging 31.300 grams of gold jewellery with the petitioner. It is further submitted that in case the said jewellery is required by the police for the purpose of investigation in a criminal case, the concerned police official can inspect the same by visiting the branch office and can also prepare inventory but the same cannot be handed over to the police



official. So, prayer is made impugned notice Annexure A-1 be set aside.

5. On the other hand, the State counsel submits that some unknown persons committed theft of jewellery from house of Saroj wife of Satish Kumar resident of Village Rukhi District Sonapat. During investigation, the police was able to identify the accused persons who committed aforesaid theft including one Arjun son of Anand resident of District Sonapat and during investigation, it was also transpired that one Raj Bala wife of Rajender took loan from the petitioner by pledging some of the stolen jewellery i.e. one gold ring and two bangles. It is further submitted that it being the case property, the police requires the same and as such, notice under Section 91 Cr.P.C was issued to the petitioner to handover the said articles to the police of Police Post Samalkha. It is further submitted that the present petition deserves to be dismissed.

6. It appears that the aforesaid jewellery is part of a stolen jewellery regarding which FIR Annexure A-2 was registered at the instance of Saroj wife of Satish Kumar. The said jewellery is required by the police of Police Post Samalkha, it being case property in the aforesaid criminal case.

7. A perusal of Section 91 Cr.P.C makes it manifest that if the officer incharge of the police station, considers that production of any document or thing is necessary for the purpose of any investigation, he can issue a written order to the person in whose possession or power such thing is believed to be, requiring him to produce it before him as stated in the written order/notice. Therefore, in exercise of the said power conferred on the respondent No.2 who is an investigation officer, under Section 91 Cr.P.C, he has issued the notice Annexure A-1.

8. As the petitioner is now not willing to handover the concerned ornaments as ordered in notice Annexure A-1, the investigation officer has to follow the procedure as contemplated under Section 93 Cr.P.C which mandates that when a Court has a reason to believe that any person to whom notice under Section 91 Cr.P.C has been issued will not or would not produce the document or thing as required by the police, the Court can issue search warrant to enable the police officer to search the premises of the



concerned for the purpose of securing the said articles.

9. As the investigating officer requires, the said articles/jewellery which is in possession of the petitioner, in connection with FIR Annexure A-2 i.e. FIR No.288 dated 08.05.2024 under Sections 380, 454 IPC, Police Station Samalkha, District Panipat, it cannot be said that issuance of any such written order/notice Annexure A-1 by the police official concerned to the petitioner to produce the said property is illegal or unsustainable under law.

10. In light of the above discussion, the present petition is hereby dismissed being devoid of merits. However, it is made clear that any observation made herein above is not to be construed as an expression of opinion on the merits of the case.

23.09.2024

Yogesh

**(KARAMJIT SINGH)
JUDGE**

**Whether speaking/reasoned:-
Whether reportable:-**

**Yes/No
Yes/No**