

Crl.O.P.No.3245 & W.P.No.9845 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2025

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.3245 of 2024

Immanuel

... Petitioner

Vs.

1. The Commissioner of Police,
E.V.K Sampath Salai,
Vepery, Periamet,
Chennai – 600 007.

2. Central Crime Branch,
Office of the Commissioner of Police,
E.V.K Sampath Salai,
Vepery, Periamet,
Chennai – 600 007.

3. Economic Offences Wing,
SIPCO, Old Corporate Building,
First Florr, Garment Complex-II,
Thiru Vi.Ka.Industrial Estate,
Guindy, Chennai 600 032.

4. S.Padmini

... Respondents



Crl.O.P.No.3245 & W.P.No.9845 of 2024

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondents to comply with the order of this Honble Court in Crl.O.P.No.24641 of 2017 dated 20.06.2018 by attaching the properties of the financial establishment HBN Diaries and Allied Ltd. and disburse the amount to the petitioner within a time framed fixed by this Hon'ble court.

For Petitioner : Mr.Abudukumar Rajaratnam,
Senior Advocate for
M/s.Vijayalakshmi K.Rajaratnam

For Respondent : Mr.S.Sugendran
Additional Public Prosecutor

W.P.No.9845 of 2024

R.Gayathri

... Petitioner

Vs

1. The State represented by,
The Principal Secretary to Government,
Home Department,
Fort St.George,
Chennai -9.
2. The State represented by,
Economic Offences Wing,
SIDCO, Old Corporate Building,
First Florr, Garment Complex -II,
Thiru Vi.Ka Industrial Estate,
Guindy, Chennai – 32.



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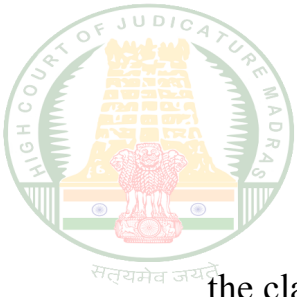
3. The State represented by,
The Inspector of Police,
Economic Offence Wing,
Chennai.
4. The State represented by,
The Inspector of Police,
Economic Offence Wing,
Trichy.
5. The Executive Director,
SEBI Bhavan BKC,
Plot No.C4-A, G Block,
Bandra-Kurla complex,
Bandra (East) Mumbai 400 051.

R6. Rohit Seghal

[R5 and R6 are impleaded as per order
dated 23.09.2024 in W.M.P.No.30772 of 2024
in W.P.No.9845 of 2024]

.... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, Directing the 1st respondent to issue a notification under Section 3 of the Tamil nadu protection of Interest of Depositors in Financial Establishment Act 1997 attaching the properties of the accused persons in Crime No.3 of 2016 on the file of 3rd Respondent and consequently appoint a committee / Administrator for Settlement and disbursement of



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the claim of depositors in M / S.HBN Dairies and Allied Limited form a Committee headed by a Retired High Court Judge to monitor the proceedings and the disbursal of the recovered amount in Cr. No.3 of 2016 pending on the file of 3rd Respondent.

For Petitioner : Mr.Abudukumar Rajaratnam,

Senior Advocate for
M/s.Vijayalakshmi K.Rajaratnam

For Respondents : Mr.S.Sugendran
1 to 4 Additional Public Prosecutor

For R5 : M/s.Shivakumar & Suresh

For R6 : Mr.Suryakumaran

COMMON ORDER

This Criminal Original Petition has been filed to direct the respondents to comply with the order of this Honble Court in CrI.O.P.No.24641 of 2017 dated 20.06.2018 by attaching the properties of the financial establishment HBN Diaries and Allied Ltd. and disburse the amount to the petitioner within a time framed fixed by this Hon'ble court.



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2. The writ petition has been filed to direct the 1st respondent to issue a notification under Section 3 of the Tamil Nadu Protection of Interest of Depositors in Financial Establishment Act 1997 attaching the properties of the accused persons in Crime No.3 of 2016 on the file of 3rd Respondent and consequently, appoint a committee / Administrator for Settlement and disbursement of the claim of depositors in M / S.HBN Dairies and Allied Limited headed by a Retired High Court Judge to monitor the proceedings and disbursal of the recovered amount in Cr. No.3 of 2016 pending on the file of 3rd Respondent.

3. Heard the learned counsel appearing for the petitioner, the learned counsel for the private respondents and the learned Additional Public Prosecutor appearing for the official respondents and perused the materials available on record.

4. It is submitted by the learned Senior Counsel appearing for the petitioner that the Hon'ble Supreme Court of India, has seized of the matter. Hence this Court cannot take an independent stand to give further



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directions. However, the petitioner is at liberty to workout his remedy before the Hon'ble Supreme Court.

5. With the abovesaid direction, both the petitions are disposed of.

No costs.

11.12.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

1. The Commissioner of Police,
E.V.K Sampath Salai,
Vepery, Periamet,
Chennai – 600 007.
2. Central Crime Branch,
Office of the Commissioner of Police,
E.V.K Sampath Salai,
Vepery, Periamet,
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3. Economic Offences Wing,
SIPCO, Old Corporate Building,
First Floor, Garment Complex-II,
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4. The State represented by,
The Principal Secretary to Government,
Home Department,
Fort St.George,
Chennai -9.

5. The State represented by,
Economic Offences Wing,
SIDCO, Old Corporate Building,
First Floor, Garment Complex -II,
Thiru Vi.Ka Industrial Estate,
Guindy, Chennai – 32.

6. The State represented by,
The Inspector of Police,
Economic Offence Wing,
Chennai.

7. The State represented by,
The Inspector of Police,
Economic Offence Wing,
Trichy.

8. The Executive Director,
SEBI Bhavan BKC,
Plot No.C4-A, G Block,
Bandra-Kurla complex,
Bandra (East) Mumbai 400 051.

9. The Public Prosecutor,
High Court, Chennai.



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P.VELMURUGAN, J.

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07.01.2025