



W.A(MD)No.1971 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.07.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1971 of 2025
and
C.M.P(MD)No.11297 of 2025**

K.Suresh

... Appellant /
Petitioner

Vs.

- 1.The Reserve Bank of India,
Fort Glacis,
No.16, Rajaji Road,
Chennai – 600 001.
- 2.The Regional Manager,
Canara Bank Regional Office,
Recover & Legal Section,
No.55 First Floor,
Beach Road,
Thoothukudi – 628 001.
- 3.The Branch Manager,
Canara Bank,
Ramanathapuram Branch,
No.12 A GH Road,
Mohamed Sathak Centre,
Ramanathapuram.



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4. The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.

... Respondents /
Respondents

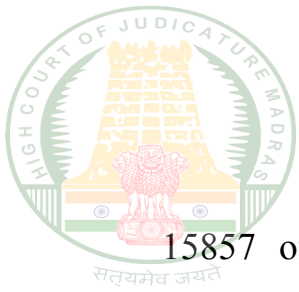
Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 12.06.2025 passed by this Court in W.P(MD)No.15857 of 2025.

For Appellant : Mr.C.Balamurugapandi

JUDGMENT

(By G.R.SWAMINATHAN, J.)

The appellant is figuring as the third accused in C.C.No.5 of 2023 on the file of learned Judicial Magistrate No.2, Ramanathapuram. The case of the prosecution is that the accused had conspired together and defrauded the victims to the tune of several lakhs. It is said to be a case of job racketing. Incidentally, A1 Sowmiya, the former wife of the appellant herein, is also involved in the matter. The case of the appellant is that he is also a victim and that all the alleged misdemeanours are attributable only to A1 and A2. The appellant would claim that the petition mentioned jewellery which has been pledged with the third respondent bank belongs to him and his sister and not to the victims. Seeking action in this regard, the appellant filed W.P(MD)No.



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15857 of 2025. The learned single Judge vide order dated 12.06.2025

WEB.COM dismissed the writ petition in the following terms:

“2. The petitioner appears to be a Grade II Police constable, who has been arrayed as Accused No.3 in Crime No. 18 of 2021, which has now been taken cognizance in C.C.No.5 of 2023 by the Judicial Magistrate – II, Ramanathapuram. Although it is the case of the petitioner that the petitioner has been wrongly implicated in the aforesaid case on account of the involvement of the petitioner's former wife, namely, Sowmya, who defrauded someone with Sathish and involved in job racketeering using the petitioner's name. It is submitted that the petitioner had no knowledge about the same and the petitioner has divorced the said Sowmya.

3. Be that as it may, the question of taking any action against the third respondent cannot be countenanced as the third respondent is acting on instructions of the fourth respondent in view of the above cases. All that, the petitioner can expect is to expedite the conclusion of trial and order in C.C.No.5 of 2023 before the Judicial Magistrate – II Ramanathapuram.

4. The writ petition stands dismissed with the above observations. No costs.”

Aggrieved by the same, this Writ Appeal has been filed.



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2. We are of the view that the learned single Judge rightly relegated the appellant herein to go before the learned trial Magistrate.

3. The learned counsel for the appellant on instruction states that he may be permitted to withdraw the writ petition itself. This liberty is granted. The order of the learned single Judge is set aside.

4. This Writ Appeal is disposed of by permitting the appellant herein to file an appropriate petition before the learned trial Magistrate (Judicial Magistrate No.2, Ramanathapuram) for getting the relief now sought for. We make it clear that we have not gone into the merits of the matter. It is for the learned trial Magistrate to take a call in the matter. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [K.R.S., J.]
22.07.2025

NCC : Yes / No
Internet : Yes / No
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The Judicial Magistrate No.2,
Ramanathapuram.



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G.R.SWAMINATHAN, J

and

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