BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WPCrl(MD)No.525 of 2025

Hajara Beevi ... Petitioner

versus

1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
District Crime Branch Police Station,
Ramanathapuram District.

3.Senthil Kumar
Regional Manager, Intel Money Finance,
D.No.13/1, Perumal Kovil, Thondi,
Thiruvadanai Taluk,Ramanathapuram District.

4.The Deputy Superintendent of Police,
CB-CID, Ramanathapuram. ... Respondents
[R4 is suo motu impleaded
vide order dated 29.08.2025]

Writ Petition filed under Article 226 of the constitution of India, writ of mandamus directing respondent Nos.1 and 2 to take necessary action as against the 3rd respondent based on the petitioner's representations dated 10.07.2025, 12.02.205 and 19.03.2025 in accordance with law.

For Petitioner : Mr.S.A.Ajmalkhan

For Respondent : Mr.E.Antony Sahaya Prabahar,
Nos.1, 2 & 4 Additional Public Prosecutor

ORDER

The petitioner has lodged a complaint as against the 3rd respondent / Regional Manager of a finance company that he has forcibly taken the land documents belonging to the petitioner for the liabilities of her daughter and son-in-law. The petitioner's complaint dated 10.07.2024 has not been enquired. Therefore, the petitioner has lodged two more complaints on 12.02.2025 and on 19.03.2025, however, the respondent police have not taken any action.

2.The grievance of the petitioner is that the 3rd respondent has forcibly taken the documents belonging to the petitioner. The respondent police have not taken any action, since the 3rd respondent is an influential person. Therefore, the present writ petition has been filed for a direction to the respondent police for taking necessary action against the 3rd respondent.

3.The learned Additional Public Prosecutor has referred to the status report dated 25.07.2025 filed by the 2nd respondent police and submits that the complaint has been enquired and closed. The status report of the 2nd respondent is extracted as under:

> *"3.The 3rd respondent Senthilkumar, Regional Manager of Indel Money Finance lodged a complaint as against Gopinath and 6 others alleged that on 23.01.2024 they conducted the auditing in their Indel Money Finance Company and found that the company employees along with other accused committed the offences under Sections 420, 409, 120(B) IPC alleged that when they inspected the company that had found that there was no sufficient gold ornaments in the locker as per account, but the accused persons created the records as if the public pleaded the jewels and obtained the loan for their ornaments. But the employees did not receive any jewels and kept the same in the locker The accused created the nominal jewel loan accounts without any proper verification and documents including jewels. On the complaint of the complainant (3rd respondent) a*

case was registered in District Crime Branch Cr.No.3 of 2025 u/s 409, 420, 12(B) IPC by Tr Palpandian, Sub Inspector of Police, DCB, Ramanathapuram on 14.02.2025 at 11.00 hrs.

4. It is submitted that total of 7 accused are involved in this case.1) Gopinath, 35/25, S/o Raju, 2) Buvaneswaran, 32/25, S/o Saravanan,3) Ramya, 29/25, W/o Arumugam, 4) Varshakannan, 24/25, W/o. Kannan, 5) Amanullah, S/o. Mohamed Hanifa, 6) Noordeen, 33/25, S/o. Ibrahim and 7) Fathima, 24/25, D/o. Tamim Ansari. The accused 1 to 4 are employees of Indel Money Finance Company. The accused 5 to 7 are customers of that company. During the investigation, it was revealed that they all together misappropriated Rs. 58,75,176/- in cash and jewelry from the financial institution, causing financial loss. In which, Rs.42,64,766/- is a jewels loan, Rs.4,66,510/- is a personal loan, Rs.1,99,000/- is fake jewels were pledged in the name of Aravind Kumar (47.5 grams), and Rs. 9,44,000/- is the company's cash in hand.

5.The above accused were called for questioning and during the interrogation, they all confessed their *criminal activities. Of these accused, only Gopinath and Amanullah were found to be involved in this crime. Both agreed to repay the money they had misappropriated, with Amanullah paying Rs. 18,32,750/- and Manager Gopinath paying Rs.10,14,375/-, for a total of Rs. 28,47,125/- Amanullah has written a promissory deed in Rs.20/ stamp paper, stating that he will pay the remaining amount of Rs.30,28,051/- on 12.01.2024, and as security for it, he has handed over the original deed of the 2166 sq.ft. house land in the name of his mother-in-law, namely Hajara Beevi, to the company and will receive this deed upon completion of the payment, and that he will be subject to legal action in case of default. Amanullah has handed over this deed to Senthilkumar without knowledge of the petitioner. Thereafter, the petitioner filed a complaint alleging that the Regional Manager Senthilkumar threatened that her son-in-law namely Amanullah misappropriated Rs.50 lakhs from the financial institution, she should pay the money or else the house deed would not be returned.*

6.In connection with the petition filed by the petitioner, that her son-in-law namely Amanullah and

Senthilkumar were examined on 23.01.2025. During the investigation, the petitioner alleged that her son-in-law namely Amanullah had given the deed to the company without her knowledge and that Senthilkumar had threatened her the help of Manager Gopinath and his employees, received 22 packets of Senthilkumar stated that the complainant's son-in-law, Amanullah, jewels on various dates. On 10.01 2024, during the audit, it was found that there was a financial loss in the company. To compensate for this, Amanullah paid Rs 18,32,750/-, Gopinath paid Rs.10,14,375/- and Amanullah promised that he would pay the remaining amount of Rs. 30,28,051/- on 12.01.2024 and as security for it, he has handed over the original deed of the 2166 sq.ft. house land in the name-of-his-mother-in law, Hajara Beevi, to the company and will receive this deed upon completion of the payment, and that he will be subject to legal action in case of default. During the investigation, the petitioner has given her written statement that she has come to know the true status of this case and that no action is required on the petition she has filed. Therefore, the investigation on this petition-was-concluded on 23.01.2025.

7.Since Amanullah and Gopinath did not repay the outstanding balance, that written by them as promissory deed, the said Senthilkumar, Regional Manager of Indel Money Finance Company, lodged a complaint against them to DCB, Ramanathapuram. After enquiry, a case was registered in Ramanathapuram District Crime Branch Cr.No.3/2025. u/s 409, 420, 120(B) IPC. The accused A5-Amanullah was arrested on 26.03.2025 and remanded to judicial custody A5-Amanullah was granted bail in the Principal Sessions Court, Ramanathapuram vide Crl.M.P No.1684/2025 A2-Buvaneswaran, Assistant Manager of Indel Money. A3-Ramya, Employee of Indel Money, A4-Varshakannan, Employee of Indel Money, A6- Noordeen, A7- Fathima got anticipatory bail. A1-Gopinath is still absconding. The case is under investigation."

4.This court has considered the rival submissions made and perused the materials placed on record.

5.The petitioner has lodged a complaint before the respondent police on 10.07.2024 alleging that her documents were taken away for the liabilities of her son-in-law by the 3rd respondent. The respondent police treated the complaint as a petition enquiry and the same is pending from the year 2024. Therefore, the petitioner made subsequent complaints on 12.02.2025 and 19.03.2025. Thereafter, the petitioner has filed the present writ petition on 10.07.2025. The respondent police only after receipt of notice in this writ petition claimed that the complaint of the petitioner was inquired into as a current paper enquiry and closed on 23.01.2025.

6.It appears that the 2nd respondent police / the investigating officer has registered CSR No.C.No.G3/19964/1679/2024 dated 16.08.2024 and he has given his findings regarding the investigation conducted by him, it is not clear, whether the complaint is closed or not. Such preliminary enquiries are time-bound and cannot be used as a tool to delay or avoid the registration of an FIR, when the information discloses a cognizable offence. The Hon'ble Supreme Court in ***Lalitha Kumari Vs State of Uttar Pradesh and others*** *reported in* ***(2013) 14 SCR 801*** has fixed a time limit of seven days to conduct such preliminary enquiries.

7.In the case on hand, the materials show that the petitioner's son-in-law was implicated in defrauding one Intel Finance Company, when audit was conducted on 10.01.2024. However, instead of lodging a criminal complaint, the officials of the said company seem to have conducted an enquiry by themselves and found that one Gopinath and Amanullah were involved in the fraud. Thereafter, they have made some arrangements by themselves that the amount allegedly defrauded would be repaid. For the same, the aforesaid Ammanullah has given a property standing in the name of his mother-in-law as security to repay the amount. He is said to have agreed to return the amount by 12.01.2024 and to get back the documents. He also gave an undertaking agreeing to return the amount. Thereafter, since the said

Gopinath and Amanullah did not repay the amount within the time agreed upon, a complaint was lodged and the FIR in Crime No. 3 of 2025 was registered on 14.02.2025. There is no legal basis for the above-mentioned actions undertaken by the officials of the Intel Finance Company. If such a fraud had indeed come to light, they ought to have lodged a criminal complaint immediately. Instead, for a fraud said to have been noticed in the month of February 2024, they have lodged a complaint on 14.02.2025 and in the interregnum, they appear to have taken the law into their own hands.

8.The respondent police claims that the petitioner has submitted a written statement that she has come to know the true status of the case and hence no action is required on her petition. However, no such document is placed on record. Considering the manner in which the respondent police has acted, it is clear that the complaints of the petitioner have not been investigated properly. Intel Finance Company and its officials have conducted their own enquiry and arranged settlements for amounts allegedly defrauded.

9.The petitioner has made a complaint on 10.07.2024 that the 3rd respondent with his henchmen has forcibly taken the land documents of the petitioner for the alleged misappropriation of her son-in-law. The respondent police has also admitted that the documents of this petitioner is with the 3rd respondent and it has been given as collateral security with the undertaking given by the accused. Admittedly the document belongs to the petitioner and there is no undertaking from this petitioner to take up the liability of her son-in-law. The allegations in the complaint are that for the alleged misappropriation of her son-in-law, the petitioner has been coerced to part with some documents without even any complaint. The available materials reveal that the 3rd respondent is the Regional Manager of a private finance company and for an allegation of misappropriation, which was detected in the month of June 2024, the officials of the company have conducted a separate enquiry and has also forcibly collected documents of the petitioner and have preferred to lodge a complaint only in the month of February

2025, after a period of 13 months. In the meantime they conducted a separate trial as against their own employees. Even before the registration of the case, the petitioner has lodged a complaint before the respondent police on 10.07.2024 that her document has been forcibly obtained by the 3rd respondent. Thereafter she lodged another complaint 12.02.2025, only after that the respondent police has registered the case as against the son-in-law of the petitioner on 14.02.2025 in crime No.3 of 2025 for the offence under Sections 409, 420, 120B IPC.

10.Considering the manner in which the case in Crime No.3 of 2025 has been registered after a period of 13 months this court is of the view that the entire exercise has been executed by the 3rd respondent with the help of the respondent police. The respondent police have also closed the complaint of the petitioner by referring the case registered in Crime No.3 of 2025. Therefore, this court disposes of this petition with the following directions:

(i)The Deputy Superintendent of Police,

CB-CID, Ramanathapuram is *suo motu* impleaded as party to this petition and the learned Additional Public Prosecutor is directed to take notice for the newly impleaded respondent.

(ii) The 1st respondent / Superintendent of Police is directed to withdraw the case in Crime No.3 of 2025 from the file of the 2nd respondent and entrust the same to the CB-CID, Ramanathapuram.

(iii) The newly impleaded respondent CB-CID, shall conduct investigation in Crime No.3 of 2025 along with complaints of this petitioner dated 10.07.2024, 12.02.2025 and 19.03.2025.

(iv) The CB-CID shall find out whether any kangaroo court has been conducted by the 2nd respondent police along with the 3rd respondent, without registering any case for more than one year and take further action based on their investigation.

29.08.2025

DSK

To

1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
District Crime Branch Police Station,
Ramanathapuram District.

3.The Deputy Superintendent of Police,
CB-CID, Ramanathapuram.

Copy to

The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

B.PUGALENDHI, J.

DSK

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