

IN THE HIGH COURT OF KARNATAKA AT BENGALURU DATED THIS THE 28TH DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR WRIT PETITION NO. 23456 OF 2024 (GM-POLICE)

BETWEEN:

MANAPPURAM FINANCE LTD
A COMPANY INCORPORATED UNDER THE COMPANIES
ACT, 1956, HAVING REGISTERED OFFICE AT
MANAPURAM HOUSE, A O VALAPAD
TRISSUR DISTRICT, KERALA-680 567
HAVING ONE OF ITS BRANCH AT:
APMC MARKET, 2ND FLOOR
NEAR APMC YARD, BH ROAD
ARSIKERE, HASSAN DISTRICT-573103
REP. BY ITS AREA HEAD
THE AUTHORIZED OFFICER GANESAN C

...PETITIONER

(BY SRI. ANISH JOSE ANTONY, ADVOCATE)

AND:



- I. THE STATE OF KARNATAKA BY ITS SECRETARY HOME DEPARTMENT VIDHANA SOUDHA BENGALURU-560 001.
- THE STATION HOUSE OFFICER / INVESTIGATION OFFICER, KR PURA POLICE STATION BENGALURU, KARNATAKA -560036.

...RESPONDENTS

(BY SRI. RAHUL CARIAPPA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO



DECLARE THAT THE INTERFERENCE BY THE RESPONDENTS IN PETITIONERS BUSINESS FOR FORCEFULLY SEIZING THE GOLD ARTICLES PLEDGED BY IT COSTUMERS IS ARBITRARY AND IS IN VIOLATION OF FUNDAMENTAL RIGHTS GUARANTEED UNDER ARTICLE 14 AND 19(1)(g) OF THE CONSTITUTION OF INDIA IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE HEMANT CHANDANGOUDAR

ORAL ORDER

Heard the learned counsel for the petitioner and the learned HCGP for the respondents.

- 2. The petitioner is a company registered under the provisions of the Companies Act, 1956, and has been licensed by the Reserve Bank of India to conduct business as a non-banking financial institution under the provisions of Chapter III B of the Reserve Bank of India Act, 1934.
- 3. The grievance of the petitioner is that the respondent police seized the gold ornaments on the suspicion that they were involved in a crime. The issue involved in this petition was examined by the co-ordinate Bench of this Court in W.P. No. 10754/2023 (DD 6.6.2023), which referred to W.P. No. 22441/2022 (DD 15.11.2022). Paragraphs 2 and 3 of that order state as follows:
 - "2. A perusal of the order passed on 14.10.2022 the notice does not in effect indicate anything contrary to what is passed. The only observation is that the writ petition is dismissed



and therefore, the gold articles are directed to be produced for investigation. This Court has permitted production of gold articles for investigation, but the Investigating Officer cannot seize the same.

- 3. Learned counsel for the petitioner would submit that he is co-operating with the investigation and indication of dismissal of the petition should not lead to seizure of the gold articles. This Court has clearly held that the gold articles cannot be seized and therefore, the Investigating Officer cannot seize the gold articles, but can examine the same by summoning it for the purpose of investigation."
- 4. Furthermore, the co-ordinate Bench relied on the judgment of the Division Bench of this Court in W.A. Nos. 932-933/1974, (DD 11.12.1974), wherein it was ruled that the Court should treat similar cases alike, and if relief is granted to one litigant, it should be extended to a similarly circumstanced litigant as well, provided there are no derogatory circumstances.
- 5. Therefore, this petition also stands disposed of in terms of the order passed by the co-ordinate Bench of this Court in W.P. No. 10754/2023.

Ordered accordingly.

Sd/-(HEMANT CHANDANGOUDAR) JUDGE