



WEB COPY

CRL OP No. 22756 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-08-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 22756 of 2026

M/s. Bajaj Finance Ltd.,
Having Office at No.101, 1st Floor,
Excellence Tower,
Near Race Course, Coimbatore.
Rep. by its Legal Manager,
V.Harikrishnan

..Petitioner

Vs

1. State rep, by
The Inspector of Police
Kinathukadavu Police Station,
Kinathukadavu, Coimbatore.
Crime No.97 of 2026.

2. Sudarsan
3. Dhanapal

..Respondents

Prayer : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the Judicial Magistrate, Pollachi to dispose of the Petitioner filed in Crl.MP.No.347 of 2026 within a time frame fixed by this Court.

For Petitioner:

For Respondents:

Mr.A.Damodaran

Mr.R.Ganesh Kumar

Counsel for Government of Tamil Nadu
(Criminal Side) for R1



ORDER

This Criminal Original Petition has been filed seeking a direction to the Judicial Magistrate, Pollachi, to dispose of the petition filed by the petitioner in Crl.M.P.No.347 of 2026 seeking return of the vehicle.

2. Heard the learned counsel appearing for the petitioner and the learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the first respondent. Perused the materials available on record.

3. The second respondent availed a loan of Rs.21,00,000/- from the petitioner Finance Company for purchasing Four Wheeler Scorpio bearing registration number TN-12-BJ-6670 for a sum of Rs.21,00,000/-. The second respondent agreed to repay the said loan amount by way of monthly installment. However, he failed to repay the monthly installments regularly. It is the case of the petitioner that in order to cheat the petitioner, the second respondent handed over the custody of the vehicle to his friend, through whom the vehicle was subsequently sold to third parties.

4. While the petitioner was taking steps to repossess the vehicle, it came to know that, on a complaint lodged by the third respondent, an FIR had been registered in Crime No.97 of 2026 for the offence under Section 318(4) of BNS against the accused. It is alleged that the third respondent purchased the



vehicle from the accused and subsequently came to know that the vehicle had already been hypothecated in favour of the petitioner Finance Company.

According to the petitioner, neither the third respondent nor the accused has any right or interest over the said vehicle. As per the loan agreement, the petitioner finance company has a subsisting right over the vehicle. Therefore, the petitioner filed a petition before the Judicial Magistrate seeking return of the vehicle. Since the said petition was not taken up for consideration by the Court below, the petitioner has approached this Court by filing the present Criminal Original Petition.

5. The learned Counsel for Government of Tamil Nadu (Criminal Side) appearing for the first respondent submitted that the entire investigation in Crime No.97 of 2026 has been transferred to the file of the Inspector of Police, Mallasamudram Police Station, Namakkal District and re-registered in Crime No.49 of 2026.

6. The learned counsel appearing for the petitioner submitted that the first respondent has, so far neither produced the seized vehicle before the Judicial Magistrate, Pollachi, nor release the same and the vehicle continues to remain in the custody of the first respondent police.



7. In view of the above, the first respondent is directed to produce the vehicle, which was seized from the complainant, forthwith before the Trial Court. The Judicial Magistrate, Pollachi, is directed to dispose of the Crl.M.P.No.347 of 2026 filed by the petitioner seeking return of the vehicle, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this Criminal Original Petition stands disposed of.

13-08-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

LPP

To

1. The Judicial Magistrate,
Pollachi.
2. The Inspector of Police
Kinathukadavu Police Station,
Kinathukadavu, Coimbatore.
3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN J.

LPP

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