

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.4941 of 2015

ORDER :

This petition is filed by the petitioner under section 482 Cr.P.C seeking to quash the proceedings in CrI.R.P.No.365 of 2014 on the file of Metropolitan Sessions Judge, Hyderabad in Crime No.814 of 2014 of Banjara Hills Police Station.

2) Heard the learned counsel for the petitioner and also the respondent Nos.1 and 2 and perused the material on record.

3) The 3rd respondent is only a driver of the vehicle and it is needless to say that the 2nd respondent financier of the vehicle taken interim custody of the vehicle involved in the crime belongs to the petitioner, while driving the 3rd respondent, saying there is a hypothecation he is right over the vehicle and entitled to custody. The same was permitted by way of interim custody by the Court below, undisputedly the petitioner/accused liquidated the amount due to the financier/2nd respondent herein. Once that purpose is served, the 2nd respondent has no right to retain with him but for to return back to the Court having not entitled to retain any interim custody. Thereby the 2nd respondent is directed to surrender the vehicle immediately before the trial Court so as the petitioner can move the trial Court to decide the interim custody in his favour and the trial Court can consider and dispose of the said petition to be filed by the petitioner on merits.

4) With the above observations, the criminal petition is disposed of. Miscellaneous petitions, if any pending, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

14.10.2015

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