

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.40285 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the 3rd respondent in calling the petitioner to their office and directing the petitioner to surrender the vehicle Swift Dezire VDI model of year 2009 bearing Registration No.AP 09BU 1056, Chasis No.676E9, Engine No.1232325, in collusion with the 6th respondent, as illegal and arbitrary and consequently to direct the 3rd respondent not to take any coercive steps to seize the said vehicle from the custody of the petitioner.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner purchased vehicle Swift Dezire VDI model of year 2009 bearing Registration No.AP 09BU 1056 for an amount of Rs.4,05,000/- from the 7th respondent on 23.10.2016 and that the petitioner was also given a delivery note, dated 23.10.2016, from respondents 6 & 7 and ever since then, the said vehicle is in the possession of the petitioner. The main grievance of the petitioner is that the petitioner is apprehending that the said vehicle of the petitioner may be seized by the 3rd respondent in the name of investigation in Crime No.243 of 2016 which is registered on the complaint lodged by the 6th respondent against the 5th respondent.

In the written instructions submitted by the learned Assistant Government Pleader for Home, it is stated as follows:

“It is pertinent to submit that in the complaint of the complainant it is stated that the accused Mr.Hussain working in Fida Tavel Agency sold the subject car in question to one Sri K.Dhanjar, Sree Laxmi Cars, Balkampet, Hyderabad and the said Dhanraj sold the subject car to the petitioner herein and registered on his name. The investigating agency has to verify the said fact from the petitioner herein.

Though his name was not shown as accused in the FIR, as there is an allegation in the complaint that the subject car in question is at present in the name of the petitioner herein and it is the bounden duty of the investigating agency to verify the facts from the petitioner herein, for which the petitioner also has to cooperate with the investigating agency.”

The said contents of the written instructions clearly indicate the fact that the 3rd respondent intend only to investigate the matter and examine the petitioner since the subject vehicle stands in the name of the petitioner.

Learned Assistant Government Pleader for Home informed that the 3rd respondent will follow the procedure in accordance with law.

Considering the grievance of the petitioner and the contents of the written instructions submitted by the learned Assistant Government Pleader for Home and in view of his submissions, the 3rd respondent is directed not to arrest the petitioner while investigating the matter in Crime No.243 of 2016 and if the 3rd respondent intend to seize the petitioner's vehicle Swift Dezire VDI model of year 2009 bearing Registration No.AP 09BU 1056, for the purpose of production of the same before the concerned Court, the 3rd respondent is directed to follow the procedure, in accordance with law, and if the said vehicle is seized and produced before the concerned Court, the petitioner is at liberty to approach the concerned Court for return of the same since the petitioner claims to be the genuine purchaser of the said vehicle.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 6th December, 2016

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