

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2017

CORAM

THE HON`BLE MR.JUSTICE A.D. JAGADISH CHANDIRA

Crl.O.P.Nos.10346 and 10348 of 2011

A.Shanmuga Sundaram
Branch Manager,
Kotak Mahindra Bank Ltd.,
Coimbatore.

... Petitioner

Vs

1. State by Inspector of Police,
Anaimalai Police Station,
Anaimalai, Coimbatore District.

2. K.Murugan

... Respondents

Criminal Original Petitions filed under Section 482 Cr.P.C,

Prayer in Crl.O.P.No.10346/2011 is to set aside the order in CMP No.1739 of 2011 dated 11.04.2011 passed by the learned Judicial Magistrate No.1, Pollachi and permit the petitioner to sell the Lorry bearing Registration No.TN 58 S 9399 and hand over RC to petitioner concerned in the Crime No.375 of 2009 on the file of the respondent police.

Prayer in Crl.O.P.No.10348/2011 is to set aside the order in CMP No.1738 of 2011 dated 11.04.2011 passed by the learned Judicial Magistrate No.1, Pollachi and permit the petitioner to sell the Lorry bearing Registration No.TN 58 S 9398 and hand over RC to petitioner concerned in the Crime No.376 of 2009 on the file of the respondent police.

For Petitioner : Mr.R.Gopinath
For Respondent-1 : Mr. B.Ramesh Babu,
Government Advocate (Crl. Side)
For Respondent-2 : Mr.M.N.Balakrishnan

ORDER

Both the petitions have been filed by the petitioner who is the financier of respective vehicles, to set aside the orders passed by the learned Judicial Magistrate No.1, Pollachi, in CMP Nos.1739 and 1738 of 2011 dated 11.04.2011, dismissing the petitions filed by the petitioner seeking permission to sell the lorries bearing No.TN 58 S 9399 and TN 58 S 9398.

2.When the matter is taken up today, it is submitted that the petitioner who is the financier and the second respondent who is the owner of the vehicles have entered in to a Memorandum of Understanding dated 11th September, 2017. A xerox copy of the Memorandum of Understanding, duly signed by the authorized signatory of the petitioner bank, who is the financier, the second respondent who is the owner of the respective vehicles, in the presence of two witnesses and attested by

the counsel for the petitioner as well as the counsel for the second respondent has been filed. In view of the Memorandum of Understanding, the learned counsel for the petitioner seeks to withdraw both the petitions. He has also made an endorsement to that effect.

3. Taking into consideration the Memorandum of Understanding entered in to between the petitioner and the second respondent, and in view of the endorsement made by the learned counsel for the petitioner, both the petitions stand dismissed as withdrawn. The parties are at liberty to approach the concerned Magistrate Court by filing appropriate petition to exhaust the remedies available for them with regard to the return of documents and permission to deal with the vehicle. No costs.

20.09.2017

gr.

Index : Yes

Internet: Yes

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To

1. Judicial Magistrate No.1, Pollachi
2. The Public Prosecutor, High Court, Chennai.
3. The Inspector of Police, Anaimalai Police Station, Anaimalai,

Coimbatore District.

A.D.JAGADISH CHANDIRA, J

gr.



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