

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Criminal Revision No.266 of 2017

S.P.Srinivasan

.. Petitioner

Vs

1. The State rep. by
The Inspector of Police (Crime),
J-3 Guindy Police Station,
Guindy, Chennai.

2. Mrs. Savithiri .. Respondents
(2nd respondent was impleaded as per
the order of this court dated 10.03.2017
in Crl.M.P.No.3693 of 2017 in Crl.R.C.266/2017)

Prayer :-

This Criminal revision is filed under Section 397 and
401 of Cr.P.C., against the order passed by the IX
Metropolitan Magistrate, Saidapet, Chennai in
Crl.M.P.No.3770/2016 on 18.01.2017.

For petitioner : Mr.J.Senthamilarasu

For respondents : Mr.R.Ravichandran,
Government Advocate (Crl. Side)
for R1

: Mr. T.Suresh, for R2

ORDER

Challenging the order of dismissing the
petitioner's application, filed under Section 451 Cr.P.C,
seeking return of the car bearing Registration No.TN-09 BW-
9922 passed by the learned IX Metropolitan Magistrate,
Saidapet, Chennai in Crl.M.P.No.3770 of 2016, the present
revision has been filed.

2. The brief facts leading to file this revision
petition is as follows:-

The respondent police has registered a case against one Arunkumar Chinniya, who is A1 in this case for the offences under Sections 323, 417, 420 and 506(ii) IPC and Section 4 of Tamilnadu Prevention of Harassment of Women Act in Crime No.14 of 2016.

3. During the investigation, the car in dispute was seized by the respondent police. The petitioner herein, who is a third party filed an application seeking return of the vehicle on the ground that the petitioner had purchased the vehicle from the defacto complainant on payment of entire cost. The above petition was contested by the defacto complainant stating that she never transferred the ownership of the car to the petitioner herein and only based on his complaint the car was seized by the police.

4. Considering the fact that investigation is in the preliminary stage, trial court has dismissed the application. Now challenging the same, the present revision has been filed.

5. Mr.Senthamilarasu, learned counsel appearing for the petitioner would submit that the petitioner is a bonafide purchaser and he has purchased the vehicle from a car broker one Meganathan, and at the time of purchase, the earlier hypothecation was cancelled and subsequently, he obtained a loan from another finance company and purchased the car for a valuable consideration and the car was purchased only through the second hand car dealer Meganathan and the petitioner is a bonafide purchaser and now as on today, the registration also transferred in his name and hence, he is entitled to the return of the vehicle.

6. The respondent has filed a counter affidavit stating that even though summons have been sent to the petitioner and the said Meganathan, neither they appeared before the respondent police nor produced any relevant documents pertaining to this case. In the above circumstances, they are not in a position to ascertain whether the petitioner is a bonafide purchaser or not.

7. In the above circumstances, since investigation is pending, the petitioner is directed to appear before the respondent police and produce all the relevant records establish his bonafide in purchase of the car, since the matter is pending for a long time, the respondent police is also directed to complete the investigation and file a final report within a period of two months and after filing the final report, liberty is given to the petitioner to renew the application before the competent court.

8. With the above observation, the criminal revision petition is disposed of.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

mrp

To

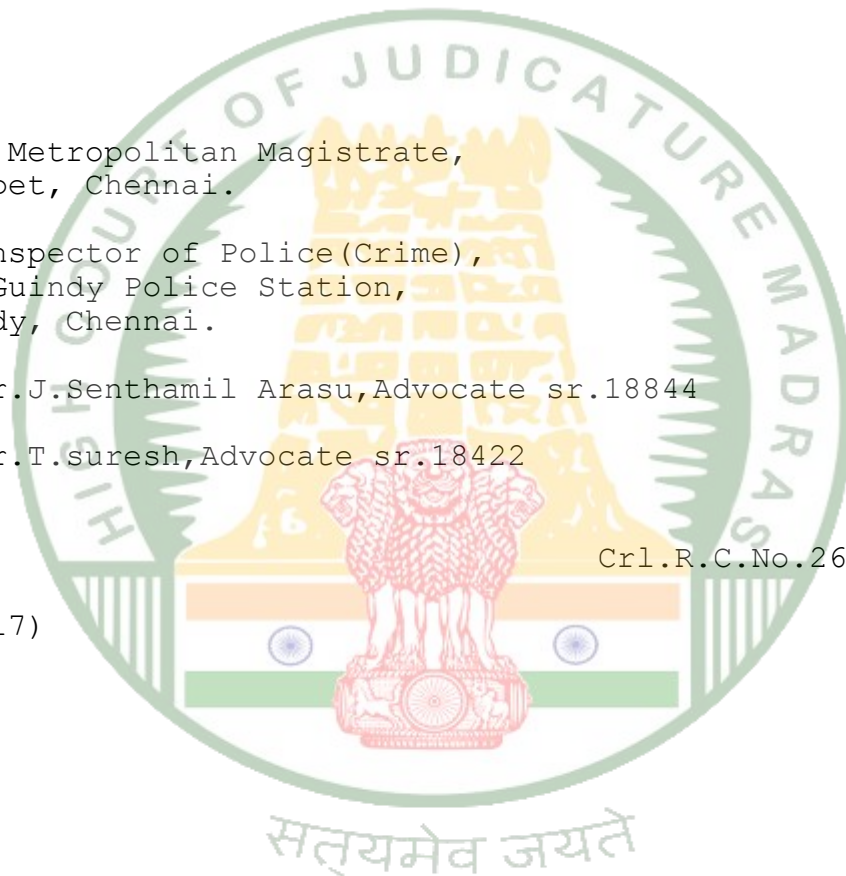
1. The IX Metropolitan Magistrate,
Saidapet, Chennai.
2. The Inspector of Police(Crime),
J-3 Guindy Police Station,
Guindy, Chennai.

+1cc to Mr.J.Senthamil Arasu,Advocate sr.18844

+1cc to Mr.T.suresh,Advocate sr.18422

Crl.R.C.No.266 of 2017

ss1(co)
ss(3/4/2017)



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