

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 186 of 2018**

Abdul Razique S/o Late Shri Abdul Samad Ansari Aged About 35 Years Permanent R/o Block No. 15- A Street No. 14, Sector-VII, Bhilai, Tahsil And Distt. Durg Chhattisgarh, Presently R/o Flat No. B/101, Heemawathi, Apartment Street No. VIII, Habsiguda, Hyderabad Telangana-500007

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Station House Officer, Police Station Bhilainagar, Sector- VI, Bhilai, Distt. Durg Chhattisgarh
2. Smt. Deeba Farhin W/o Shri Abdul Razique, Aged About 26 Years D/o Shri (Dr.) Mohd. Kasam Qureshi, R/o Sant Ravidas Ward House No. 03, Ward No. 02, Bhatapara, Baloda Bazar, Distt. Bhatapara Baloda Bazar Chhattisgarh

---- Respondents

For petitioner - Shri Rahul Tamaskar, Advocate.
For Respondent/State –Smt. Astha Shukla, PL.
For respondent No.2-Smt. Fouzia Mirza, Advocate.

Hon'ble Shri Justice Goutam Bhaduri**Order**

20/06/2018

Heard.

1. Instant petition is for custody of the vehicle Hundai Car I-10 No. TS 08/EV 2238 which has been given on interim custody to respondent No.2.
2. Learned counsel for the petitioner would submit that on a complaint being made by respondent No.2 who is wife, offence under Section 498-A read with 34 of IPC, section 4 of the Dowry Prohibition Act and Sections 4 and 5 of C.G. Tonahi Pratadna Nivaran Act was registered against the petitioner. During such investigation the subject vehicle was seized from the custody of the petitioner. It is contended that the petitioner has obtained loan from the bank and is paying monthly installment and he has been shown as co-owner of the vehicle. Court below has failed to consider the fact that the vehicle was seized from the custody of the petitioner, as such custody could not be handed over to respondent No.2.

3. Learned counsel for respondent No.2 vehemently opposes the same and would submit that the vehicle is registered in the name of respondent No.2 and therefore no ambiguity exist in respect of the ownership of the vehicle and since vehicle is registered in the name of respondent No.2 it could not have been given to other person other than its registered owner. Consequently, order passed by the court below is well merited.

4. Perused the order and the documents filed alongwith the petition. The order would show that during such seizure of the vehicle RC book were also seized wherein name of respondent No.2 exists. Subsequently, when enquiry was made to the ownership of the vehicle as to who is the registered owner of the vehicle, reply from the RTO revealed that vehicle is registered in the name of respondent No.2 namely Deeba Farhin. In view of such apparent facts on record prima facie as vehicle is registered in the name of respondent No.2, I do not find any illegality in the order of court below to grant possession of the vehicle in favour of the respondent No.2.

5. Accordingly, the petition has no merit and it is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE