



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P. RAJAMANICKAM

Crl.O.P.(MD) No.1591 of 2018

G. Balamurugan

... Petitioner/Owner of the Bike

-Vs-

1.The Superintendant of Police,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.

... Respondents / Respondents

Prayer: This Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to direct the Inspector of Police, Pudukottai Police Station, Thoothukudi District to release the petitioner's two wheeler i.e Hero Honda bearing it's registration No.TN.69 AE 6665 forthwith.

For Petitioner : Mr.R. Anand

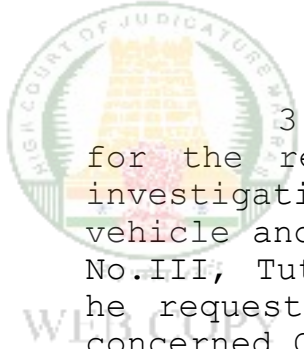
For Respondents : Mr.Prabhu Ramachandran

Government Advocate (Crl. Side)

O R D E R

This petition has been filed to direct the second respondent to release the petitioner's Two wheeler bearing Regn. No.TN 69 AE 6665.

2. The learned counsel appearing for the petitioner has submitted that based on the complaint given by one Maridurai, the second respondent has registered a case in Crime No.416 of 2017, for the offences under Sections 294(b), 436, 307 and 506(ii) of IPC. He further submitted that the petitioner herein has filed a petition in Crl.O.P(MD).No.5 of 2018 to quash the aforesaid First Information Report and in that petition, this Court has passed an interim order restraining the second respondent from filing final report and that being so, on 15.01.2018, the second respondent has taken away the petitioner's Two Wheeler. He further submitted that in the First Information Report in Crime No.416 of 2017, it was not at all stated that the petitioner has used the said vehicle at the time of alleged occurrence and that being so, it is not open to the second respondent to seize the petitioner's Two Wheeler and hence, he requests to direct the second respondent to release the said vehicle.



3. The learned Government Advocate (Crl. Side) appearing for the respondents has submitted that only for the purpose of investigation, the second respondent has seized the petitioner's vehicle and now, it has been produced before the Judicial Magistrate No.III, Tuticorin and it has been remanded in PR.No.16 of 2017 and he requests the Court to direct the petitioner to approach the concerned Court.

4. Considering the aforesaid submissions, the petitioner is directed to file an application under Section 451 Cr.P.C., before the Jurisdictional Magistrate No.III, Tuticorin and if any such petition is filed, it is for the Judicial Magistrate No.III, Tuticorin, to dispose of the same in accordance with law.

5. With the above observations, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendant of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P.(MD) No.1591 of 2018
02.02.2018

trp

JM/SV MMS/SAR 1/05.02.2018/2P/4C