

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.4717 of 2019

Haridoss

... Petitioner

Vs.

The State represented by the
Inspector of Police,
B4-Police Station,
Sevviapet, Thiruvallur Dist.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent Police to return the seized vehicle JCP bearing registration NO.TN 20 CH 0666 after following due process of law.

For Petitioner : Mr.K.Chandrasekaran

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed seeking to direct the respondent Police to return the seized vehicle, viz.,JCP bearing registration No.TN 20 CH 0666.

2.Heard both sides.

3.The petitioner was ranked as A4 in a case in Crime No.616 of 2018 for the offences under Section 379 and 430 of IPC and his JCP vehicle bearing TN 20 CH 0666 was seized by the respondent Police. The petitioner is one of the owner of the vehicle and he is no way connected with the above said Crime. Hence, he filed a petition in Crl.O.P.No.28062 of 20018 seeking to quash the FIR before this Court and same was disposed of with a direction to the investigation officer to complete the investigation and to file a final report within period of three months from the date of receipt of the order. Further the petitioner had also filed a petition before the learned Judicial Magistrate-II, Thiruvallur, seeking to release the vehicle and the same was dismissed on the ground of jurisdiction. While so,

the 2nd accused, who is also the owner of the property has approached this Court in CrI.O.P.No.1612 of 2019, seeking to quash the FIR, wherein this Court by an order dated 23.01.2019 quashed the F.I.R., and observed as follows:

".....3.In the result the FIR in C.C.No.616 of 2018 is hereby quashed and accordingly, this Criminal Original Petition is allowed. The learned Judicial Magistrate No.II, Tiruvallur is directed not to take cognizance of the final report in view of the quashing of the FIR itself. Consequently, the connected miscellaneous petition is also closed."

4.In view of the above, the learned Judicial Magistrate No.II, Thiruvallur is directed to entertain the petition filed by the petitioner to return the seized vehicle viz., JCP bearing Registration No.TN 20 CH 0666 and consider the same and pass orders within a period of two weeks from the date of filing of such petition.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rm

To

1. The Inspector of Police,
B4-Police Station,
Sevviapet,
Thiruvallur District.
2. The Public Prosecutor,
High Court, Madras.
3. The Judicial Magistrate No.II,
Thiruvallur

+1 cc to Mr.K.Chandrasekaran, Advocate, S.R.No.15893

CrI.O.P.No.4717 of 2019

BR(CO)
SSM(08/03/2019) .