

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2019

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.21498 of 2018

S.Arunan

... Petitioner

Vs.

1. The Superintendent of Police
Dharmapuri
2. State Rep. by
The Inspector of Police
Harur Police Station
Harur
Dharmapuri District
3. M/s.The Management
LRN Hyundai
Kandampatty Bye Pass, Salem
(3rd Respondent is impleaded as
per the order in Crl.M.P.No.12335/2018
in Crl.O.P.No.21498/2018 dt.18.09.2018)

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to handover the vehicle bearing Reg.No.TN303490, Hyundai i20 seized by them on the basis of petitioner complaint and direct the respondents to proceed further in accordance with law.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.M.Mohamed Riyaz for R1 & R2
Additional Public Prosecutor
M/s.A.M.Esakkiappan for R3

O R D E R

This Criminal Original Petition has been filed by the petitioner to direct the 2nd respondent to handover the vehicle bearing Reg.No.TN303490, Hyundai i20 seized by them on the basis of petitioner complaint lodged by the petitioner.

2.It is seen that the petitioner is the owner of the car bearing Registration No.TN29BZ1261 purchased from the dealer LRN Hyundai, Salem / i.e. the 3rd respondent herein. When the petitioner let the car with the 3rd respondent for service, the 3rd respondent assured to deliver the car after service within two days. The said car was given for service on 23.06.2017. On 24.06.2017, there was a phone call from the 3rd respondent, informing the petitioner that their employee has damaged the petitioner's car during the service in the service station itself. Therefore, at the request of the petitioner, the 3rd respondent handed over a courtesy car bearing Reg.No.TN30BD3490 to the petitioner on 24.06.2017.

3.It is further seen that the 3rd respondent thereafter without making any repair to the car of the petitioner sent a person to get the car from the petitioner. The said person of the 3rd respondent without any intimation and consent of the petitioner has taken the courtesy car bearing Reg.No.TN30BD3490 from the custody of the petitioner. Therefore, the petitioner lodged a complaint before the 2nd respondent. The 2nd respondent also issued CSR No.789 of 2017 dated 07.09.2017. In fact, the 2nd respondent seized the car from the 3rd respondent and the same was kept under their custody.

4.Thereafter, enquiry was conducted between the parties. The petitioner and the 3rd respondent are directed to settle the matter amicably and to get the courtesy car bearing Reg.No.TN30BD3490 from the police custody. Even before arriving for any compromise, the 2nd respondent himself under the influence of the 3rd respondent, handed over the car to the 3rd respondent without the knowledge of the petitioner. Therefore, the petitioner was constrained to file this petition for direction.

5.This Court on more than four occasions, gave opportunity to the 3rd respondent to repair the car of the petitioner bearing Reg.No.TN29BZ1261 and handover the same to the petitioner. Even after so many hearings, the 3rd respondent did not get the repair done and handed over the car to the petitioner. Therefore, it is appropriate to direct the 2nd respondent to seize the car from the 3rd respondent bearing Reg.No.TN30BD3490 from the 3rd respondent forthwith. Thereafter, the 2nd respondent is hereby directed to register the complaint in C.S.R.No.789 of 2017 as against the 3rd respondent and other responsible persons for the offence committed by them and complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To.

1. The Superintendent of Police
Dharmapuri
2. Inspector of Police
Harur Police Station
Harur, Dharmapuri District
3. The Public Prosecutor
High Court of Madras

+1cc to M/s.A.M.Esakkiappan, Advocate, S.R.No.33112
+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No.32318

CRL.O.P.No.21498 of 2018

CS/20/05/2019



सत्यमेव जयते

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