

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-3383-2019

Date of Decision:-20.02.2019

Saroj Kumari

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Vijay Lakshmi, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioner assails order dated 2.1.2019 passed by Judicial Magistrate Ist Class, Kaithal whereby an application filed by the petitioner seeking release of vehicle bearing registration No.HR07W-3493 on '*Superdari*' has been declined.
2. A few facts, necessary to notice for disposal of this petition are that the petitioner had got the aforesaid vehicle financed from M/s Mahindra & Mahindra Finance Limited, Kurukshetra but on account of certain defaults in repayment of the installments, the musclemen of the finance company forcibly snatched the vehicle from the petitioner. The

petitioner approached this Court by way of filing CWP-32547-2018 whereby while issuing notice of motion on 15.02.2018 the following interim directions as regards the custody of the vehicle were issued:-

“Police shall be at liberty to verify the averments made in the representation Annexure P/3 and check the antecedents of the employees of respondent Nos.4 & 5. Meanwhile, car in question be kept in safe custody of Sub-Divisional Magistrate, Kaithal.”

3. Thereafter, pursuant to a representation filed by the petitioner, the police lodged FIR No.608 dated 17.12.2018 under Sections 341, 392, 506 Indian Penal Code. It was during the pendency of the aforesaid FIR that the petitioner moved an application for releasing her vehicle bearing registration No.HR-07-W-3493 on ‘*Superdari*’ which has been declined vide impugned order dated 2.1.2019. The operative portion of impugned order reads as follows: -

“However, compliance of order dated 15.12.2018, vehicle in question is in custody of police as per order of Sub Divisional Magistrate, Kaithal. It has been specifically observed by Hon’ble Punjab and Haryana High Court that meanwhile, car in question be kept in safe custody of Sub Divisional Magistrate, Kaithal. Meaning thereby, present application filed by the applicant is premature. There is no specific order in regard to releasing the vehicle on superdari to the applicant. Hence, application stands dismissed being devoid of merits. Papers be tagged with the main file.”

4. It goes without saying that no useful purpose would be served by keeping a vehicle unnecessarily parked in a godown / police station /

yard as disuse of a vehicle coupled with vagaries of weather would unnecessarily deteriorate the condition of the vehicle and diminish its value. Whenever a vehicle is taken into possession as a case-property during investigation of a case, the Court is competent to relase the same on “*Superdari*”. However, the facts of the present case are slightly different inasmuch as the vehicle had been ordered to be kept in safe-custody of Sub-Divisional Magistrate, Kaithal as per order dated 15.02.2018, passed by this Court in CWP-32547-2018. The said order in still in force. As long as said order is operative, the vehicle cannot be released to the petitioner. The petition is sans merit and is dismissed. The petitioner, if so advised, may move an application so as to seek modification or order dated 15.02.2018 passed in CWP-32547-2018.

5. The petition stands disposed of accordingly.

(GURVINDER SINGH GILL)
JUDGE

20.02.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No