

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.12602 of 2020

M.Satheeswaran M/A 34 years
S/o.Matheswaran,
Permanently residing at :
Old No.16, New No.42/3, SFA Gems Apartments,
Warners Road, Contonment,
Trichi-620001.

Temporarily residing at
No.93, Rainbow City,
Keeranatham, Saravanampatti, Coimbatore-35

... Petitioner

Vs.

State represented by
The Inspector of Police,
J-12, Kannathur Police Station,
Kannathur,
Chengalpattu District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondent to return BMW Car, Havana Colour in Reg No.TN 04 AM 0762 Model:3-series-320D Luxury, RTO:Chennai, Chasis No:WBA 3F37060 NP 10104, Engine No.75438560, Year of Manufacture:2013 and Body Type:Sedan and RC Book In No.011575/A1/2018 dated 28.02.2018, to the custody of petitioner those are seized by the respondent in connection with Crime No.752/2020.

For Petitioner : Mr.S.S.Kumar

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor.

O R D E R

This Petition has been filed seeking for return of vehicle from the custody of respondent in connection with Crime No.752/2020.

2.Heard the learned counsel appearing for the petitioner and learned counsel appearing for the respondents.

3.It is seen that the petitioner is the lawful owner of the car registered in Reg No.TN 04 AM 0762. He purchased the car from one Thanika for valid sale consideration and after purchase, the RC book was transferred in his name for the BMW Car registered in Reg No.TN 04 AM 0762 and he also had taken insurance policy. In the mean while, one G.Thivraj lodged complaint alleging that the car was handed over for sale to one Thanika and after sale of the car, the entire sale proceedings were not paid him viz., the defacto complainant. On the complaint, the respondent registered case in Crime No. 752/2020 for the offences 406, 420 and 506(ii) IPC. Therefore, the petitioner is not an accused in Crime No.752 of 2020 on the complaint lodged by the defacto complainant. However, on summons the vehicle was seized by the respondent and produced before the Judicial Magistrate-II, Alandur. Now it is lying in the respondent police station. However, the petitioner without approaching the concerned Judicial Magistrate viz., Judicial Magistrate-II, Alandur had approached this Court.

4. Considering the above facts and circumstances, the petitioner is directed to file appropriate petition for return of vehicle before the trial Court viz., Judicial Magistrate-II, Alandur and on receipt of the same, the learned Judicial Magistrate-II, Alandur is directed to pass orders on merits in accordance with law within a period of one week from the date of receipt of the petition. सत्यमेव जयते

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
J-12, Kannathur Police Station,
Kannathur, Chengalpattu District.
 2. The Public Prosecutor, High Court, Madras.
 3. The Judicial Magistrate No.II, Alandur, Chennai.
- +2 cc to M/s.S.S.Kumar, Advocate Sr.No.27282

CRL.O.P.No.12602 of 2020

vsn ii (co)
rr ii (11/09/2020)



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