

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.13913 of 2020

V.Nithyalakshmi, F/Aged 43 years
W/o.Vijayakumar
No.20, 2nd Street, Nandanam Extension
Nandanam
Chennai-35.

...Petitioner

Vs

1. State, Rep. By
The Inspector of Police
J-5 Shastri Nagar Traffic Police Station
Chennai.
2. The Deputy Commissioner of Police
J-2, Adyar Police Station
Chennai.
3. The Commissioner of Police
Commissioner Office
Vepery, Chennai.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent no.1 to release the illegally seized vehicle No.TN 22 CS 7002 and to take appropriate action for confiscation.

For Petitioner : Mr.L.Infant Dinesh

For Respondents: Mr.S.Karthikeyan

Additional Public Prosecutor.

ORDER

This Criminal Original Petition has been filed seeking a direction, directing the first respondent to release vehicle, namely Ford Car bearing Registration No.TN 22 CS 7002 which was seized by the first respondent and illegally detained for the past 8 months.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The learned counsel for the petitioner would submit that the petitioner has been appointed as the Member of Consultative Committee in the Food Corporation of India for the State of Tamil Nadu. Therefore, she has the facilities to use revolving blue light in her own vehicle with 'G' symbol. While she was travelling, the first respondent seized the vehicle and kept it in illegal custody even without registering a case against the petitioner. Under the guise of enquiry, the petitioner was repeatedly called upon by the first respondent. Therefore, the petitioner was constrained to file a petition before this Court seeking direction to the first respondent, not to harass the petitioner under the guise of enquiry. This Court, by an order dated 06.07.2020 in CrI.O.P No.6956 of 2020, directed the first respondent to hand over all the relevant papers to the concerned jurisdictional police and complete the enquiry and pass orders as expeditiously as possible. Even then, the petitioner's vehicle was illegally kept in the open area. Therefore, the petitioner sought for a direction, directing the first respondent to release the car.

4. Per contra, the learned Additional Public Prosecutor submitted that the documents produced by the petitioner are found to be fake. Further, the first respondent seized the Ford Car Ecosport with 'G' symbol while the petitioner was using her own personal car as a Government car. On verification, it was found that the petitioner is not a Member of Consultative Committee in the Food Corporation of India and the documents produced by her are found to be fake. As directed by this Court, now the investigation has been transferred to the Deputy Commissioner of Police, Mylapore, Chennai. In turn, the Deputy Commissioner of Police, Mylapore has handed over the case papers to the J-4, Kotturpuram Police Station, Law and Order, Chennai, for further enquiry.

5. Now the enquiry is pending with the Inspector of Police J-4, Kotturpuram Police Station, Law and Order, Chennai. Already, this Court directed the respondent police to complete the enquiry as expeditiously as possible since the Car was seized from the petitioner in the month of March 2020 and already, almost 8 months have been completed and even then, the respondents did not complete the enquiry and also did not register any FIR as against the petitioner.

6. Considering the facts and circumstance of the case, the Inspector of Police, J-4, Kotturpuram Police Station, Chennai, is directed to complete the enquiry within a period of two weeks and if he found any cognizable offence is made out as against the petitioner, he shall proceed further in accordance with law. If the Inspector of Police, J-4 Police Station, Law and Order,

Chennai, is found no offence has been committed by the petitioner, he is directed to release the vehicle forthwith.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Commissioner of Police, Vepery, Chennai
2. The Deputy Commissioner of Police
Mylapore, Chennai.
3. The Deputy Commissioner of Police,
J-2 Adyar Police Station, Chennai.
4. The Inspector of Police
J-4 Kotturpuram Police Station
Law and Order
Chennai.
5. The Inspector of Police,
J-5, Shastri Nagar Traffic Police Station, Chennai.
6. The Public Prosecutor,
High Court, Madras.

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AJS (CO)
RV(06/11/2010)

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