

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 03.03.2020****CORAM :****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****Cr1 OP (MD)No.3865 of 2020**

WEB COPY

Pradeepkumar @ Pradeep Sethupathy

... Petitioner

Vs.

1.The Commissioner of Police, Madurai City, Madurai.

2.The Assistant Commissioner of Police,
Anna Nagar Division, Anna Nagar, Madurai-20.3.The Inspector of Police,
Anna Nagar Police Station, Anna Nagar, Madurai-20.4.The Inspector of Police,
K.Pudur Police Station, K.Pudur, Madurai.

5.D.Sivananth

6.Sivakumar

... Respondents

Prayer : This criminal original petition is filed under Section 482 of Cr.PC to direct the respondents No.3 and 4 not to seize the petitioner's Toyota Innova Car bearing Reg.No.TN-58-AQ-7979 illegally, based on the petitioner's complaint dated 26.02.2020.

For Petitioner : Mr.C.Ezhilarasu

For Respondents : Mr.A.Robinson,
Government Advocate (crl.side)
for R1 to R4
Ms.D.Farianaghoushia for R5

Mr.M.Balakrishnan for R6

ORDER

This criminal original petition has been filed for forbearing the respondents 3 and 4 from taking possession of the petition mentioned vehicle. The fifth respondent is said to be a Head Constable working in the office of the Assistant Commissioner of Police, Tirupparankundram. He had purchased Toyota Innova Crysta car bearing Regn.No.TN 58 AQ 7979. The petitioner claims that the said car was handed over to the petitioner through the sixth respondent. According to the petitioner, the sale consideration was fixed at Rs.20.00 lakhs. Since the fifth respondent herein was working in police department, the petitioner was to remit monthly installments in the bank account of the sixth respondent. According to the petitioner, so far a sum of Rs.5,73,000/- had already been paid. At this stage, the car was left in the workshop of the Toyota company at Trichy. The petitioner's apprehension is that since the fifth respondent is employed in police department, R3 and R4 may take possession of the car from the workshop thereby causing him wrongful



loss. Hence, this criminal original petition has been filed.

2.The learned counsel appearing for the respondents 5 and 6 strongly opposed this O.P. The counsel for the fifth respondent submitted that the case projected by the petitioner is a cock and bull story. According to her, the vehicle is very much in the name of the fifth respondent and the original RC book is also with him. There is absolutely no document to show that the fifth respondent agreed to sell the vehicle to the petitioner. There is no transaction whatsoever between the petitioner and the fifth respondent.

3.Be that as it may, as on date, no FIR has been registered. The petitioner has given a complaint on 21.02.2020. The fifth respondent has given a complaint on 20.12.2019. As already pointed out, the fifth respondent is working as Head Constable. Therefore, even after registering the FIR, in order to ensure that justice is also seen to be done, the jurisdictional police will take action only based on the specific direction from the jurisdictional magistrate. The jurisdictional magistrate will hear both the parties before passing final orders.

4.This criminal original petition is disposed of.

Sd/-

Assistant Registrar(AE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Skm

To

1.The Commissioner of Police, Madurai City, Madurai.

2.The Assistant Commissioner of Police,
Anna Nagar Division, Anna Nagar, Madurai-20.

3.The Inspector of Police,
Anna Nagar Police Station, Anna Nagar, Madurai-20.

4.The Inspector of Police,
K.Pudur Police Station, K.Pudur, Madurai.

+1 CC to M/s.C.EZHILARASU, Advocate (SR-9990[F]

+1 CC to M/s.D.FARJANA GHOSHIA, Advocate (SR-10015[F]

Cr1 OP (MD)No.3865 of 2020
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