



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CrI.O.P. [MD]No.9622 of 2020

Madhumitha

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy, Trichy District.

2.The Deputy Superintendent of Police,
Manaparai, Trichy District.

3.The Inspector of Police,
All Women Police Station,
Manaparai, Trichy District.

4.The Inspector of Police,
Vaiyampatti Police Station,
Trichy District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue direction to direct the second respondent to release the petitioner's Renault KWID Car bearing Registration No.TN-47-AK-4844 and Original Registration Certificate, immediately to the petitioner.

For Petitioner : Mr.M.Suresh

For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This criminal original petition has been filed seeking a direction to direct the second respondent to release the petitioner's Renault Kwid Car bearing Registration No.TN-47-AK-4844 and the Original Registration Certificate, pertains to the said car, immediately to the petitioner.

2.The case of the petitioner is that the petitioner is the owner of the Renault Kwid Car bearing Registration No.TN-47-AK-4844.



In earlier, in the month of August 2020, in respect of the dispute having by the petitioner with her husband Muniyappan, the second respondent herein has conducted an enquiry and during such enquiry, on 21.08.2020, when at the time the petitioner was appeared before the second respondent / Police, the second respondent herein snatched the key of the above referred car and retained the vehicle in his custody along with the original registration book of the said car, though the petitioner made many requests, he has refused to return the vehicle, however he has stated that after enquiry, the car will be handed over in due course. Therefore, it is necessary to direct the second respondent / Police to release the above said car to the petitioner.

3.In response to the submission made by the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor, appearing for the respondents, on instructions, would submit that the petitioner is having a matrimonial dispute with her husband Muniyappan. In this regard, on 02.09.2020, upon the complaint given by the said Muniyappan, a case has been registered against the petitioner in Crime No.798 of 2020, for the offences punishable under Sections 406, 417 and 420 of I.P.C., on the file of the fourth respondent. Only during such time, the petition mentioned car has been recovered by the fourth respondent as a case property and as of now, the same has been produced before the learned Judicial Magistrate, Manaparai in R.P.R.No.88 of 2020.

4.In otherwise, in respect of the Registration Certificate of the said car, the learned Additional Public Prosecutor would submit that in earlier, when at the time of recovering the car, the Registration Certificate has not been received by the Investigation Officer, however enquiry reveals that the same was pledged with the Kodak Mahindra Finance Company. Therefore, the submission in respect of the possession of RC Book is not correct.

5.Per contra, the learned counsel appearing for the petitioner would submit that the above submission made by the learned Additional Public Prosecutor with regard to the Registration Certificate is not correct.

6.Upon considering the rival submissions made by the learned counsels appearing on either side, it is not in dispute that the car now claimed by the petitioner is in the custody of the Magistrate Court. Therefore, it is for the petitioner to file an application before the Court, in which, the car has been remanded. In the said circumstances, this Court cannot pass any positive order directing the learned Judicial Magistrate to return the said vehicle.

7.In respect of the registration certificate, since the respondent, Police made a submission as the same has not been



available with them, this Court cannot direct the respondent police to hand over the same to the petitioner. However, in respect to the same, the petitioner is at liberty to file a petition before the learned Judicial Magistrate, Manapparai, after including the Kodak Mahindra Finance Company, as party-respondent.

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8.With the above observations and directions, the Criminal original Petition stands disposed of.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Trichy, Trichy District.
- 2.The Deputy Superintendent of Police,
Manapparai, Trichy District.
- 3.The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.
- 4.The Inspector of Police,
Vaiyampatti Police Station, Trichy District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M. SURESH, Advocate (SR-17379[F] dated 18/09/2020)

Order made in
Crl.O.P.[MD]No.9622 of 2020
Dated :18.09.2020

tsg

SDS (05.10.2020) 3P-7C
<https://hcservices.ecourts.gov.in/hcservices/>