



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRIMINAL REVISION CASE NO.468 OF 2021

AND

CRL.M.P.NO.7649 OF 2021

Shriram City Union Finance Pvt Ltd.,
Rep. By its Manager,
Legal Mr.V.Pugazendhi,
No.6 Sorrento Building,
Adyar, Chennai - 600 020.

... Petitioner/Respondent/
Financier

.Vs.

1. State Rep. By Inspector of Police.
Thiruvallur P.S.
(Cr.No.03/2020)

... Respondent/Respondent

2. Keerthivasan

... Respondent/Petitioner

PRAYER:-

Criminal Revision filed under Section 397 read with 401 of Criminal Procedure Code, praying to call for the records of the entire proceedings on the file of the learned Judicial Magistrate No.1 at Thiruvallur passed in Crl.M.P.No.2777/2020 dated 29.01.2021 and set aside the impugned order.

For Petitioner : Mr.N.Gnanalingam

For Respondent-1 : Mr.S.Sugendran
Government Advocate (Crl.Side)

ORDER

(The case has been heard through video conference)

This Criminal Revision has been filed against the order in Crl.M.P.No.2777/2020 dated 29.01.2021 passed by the learned Judicial Magistrate No.I, Thiruvallur.



2. The respondent police registered a case against the petitioner in Crime No.3 of 2020 for the offence under Section 379 IPC based on the complaint given by the 2nd respondent and during the course of investigation, the vehicle of the 2nd respondent was seized by the 1st respondent and kept in the police station. During pendency of the investigation, the 2nd respondent filed a petition before learned Judicial Magistrate-I, Thiruvallur, for return of vehicle and the same was allowed by order dated 29.01.2021. Challenging the said order, the petitioner/Finance Company has filed the present revision before this Court.

3. The case of the petitioner is that the 2nd respondent had approached the petitioner/Finance Company and obtained loan of Rs.64,500/- for the purchase of two wheeler by executing an agreement dated 30.05.2017 and as per the agreement, the 2nd respondent has to repay the loan amount by way of EMI. However, since the 2nd respondent committed default in repayment of loan, the petitioner/Finance Company issued a demand notice and the same was also acknowledged by the 2nd respondent. However, since the 2nd respondent failed to respond to the demand notice, the petitioner/Finance company seized the two wheeler as per the terms and conditions of the company whereas, the 2nd respondent lodged a false complaint against the petitioner/Finance Company following which, the respondent police directed the petitioner/Finance Company to bring the said vehicle for enquiry. Accordingly, the vehicle was produced before the respondent police and subsequently, the 2nd respondent accepted to pay part amount and requested further time to take back the two wheeler. Thereafter, the 2nd respondent approached the Judicial Magistrate-I, Thiruvallur, without impleading the petitioner/Finance Company as a party to the petition. Subsequently, on the private notice from the 2nd respondent the petitioner/Finance Company entered appearance before the Court by filing written agreement whereas, the learned Magistrate without considering the fact that as per hypothecation agreement, the petitioner/Finance Company is the owner of the vehicle, has passed the order against the petitioner/Finance Company which warrants interference of this Court.

4. Heard the learned Counsel for the petitioner and learned Government Advocate (Crl. Side) appearing for the 1st respondent police and perused the materials on record.

5. It is seen that the investigation has not been completed and final report has not been filed. Therefore, during investigation, return of vehicle to the parties is completely the discretionary power of the Court. Further, the offence involved is Section 379 IPC. Therefore, return of vehicle with rival claimants i.e. the petitioner and the 2nd respondent could



be arrived only on conclusion of full-fledged investigation. Therefore, under these circumstances, this Court does not find any perversity in the order passed by the learned Magistrate and there is no merit in the revision.

WEB COPY

6. Accordingly, the Criminal Revision Case is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ksa-2

To

1. The Judicial Magistrate No.I,
Thiruvallur.
2. -Do- Thro Chief Judicial Magistrate,
Thiruvallur.
3. The Inspector of Police
Thiruvallur P.S.
4. The Public Prosecutor Officer,
High Court, Madras.

Copy To:

The Section Officer,
Criminal Section,
High Court, Madras.

+1cc to Mr.N.Gnanalingam, Advocate, S.R.No.45768

CRIMINAL REVISION CASE NO.468 OF 2021

PVS (CO)
PBS/06/10/2021