



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.18646 of 2021

Marivel

... Petitioner

Vs

1.The Commissioner of Police,
Greater Chennai Police,
Veppery, Chennai.

2.State: Inspector of Police,
V-1, Police Station,
Villivakkam, Chennai.

.... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to direct the respondent to transfer the case in Cr.No.640 of 2021 on the file of the 1st respondent to some other investigation agency.

For Petitioner : Mr.C.Prabhakaran
for Mr.B.Arulmozhimaran

For Respondents : Mr.A.Damodaran
Addl.Public Prosecutor.

ORDER

The petitioner, who is the owner of Hyundai I-20 car bearing registration No.TN-02-AL-6224 with Engine No.D4FCAU849524, Chassis No.MALBB1SLA157051, has filed this petition coming to know that the vehicle was seized by the second respondent police in Crime No.640 of 2021 for offences under Sections 328 IPC and 24(1) of COTP Act (Transport).

2.His car was taken by one Thenraj, who was involved in the offence. The petitioner is not an accused in this case. The petitioner, thereafter, filed a petition for return of his car in Crl.MP.No.14769 of 2021 before the XIII Metropolitan Magistrate Court, Egmore, Chennai along with the R.C. Certificate, Insurance and other documents. The XIII Metropolitan Magistrate Court, Egmore, finding that the Engine number and Chassis number has been tampered with and not available and not tallying with the documents produced by the petitioner, rejected the same. The petitioner, thereafter,



filed transfer of investigation finding that the respondent police on seizure of the vehicle tampered with the engine number and chassis number.

3.The learned Additional Public Prosecutor submits that in this case, the accused and the vehicle was caught red handed on the spot itself and contrabands were seized, Form -95 recorded, mahazar prepared in the presence of witnesses. At that time, it was found that the engine number and chassis number have been tampered with and the accused was arrested. The same is recorded in the seizure mahazar as well as Form - 95, which had been submitted to the Court without delay. Now, the petitioner making such allegations is only to wriggle out from the case. Now, the Assistant Commissioner of Police, Villivakkam is monitoring the investigation. Necessary requisition has been made to the RTO and the manufacturer of the car to find out whether at all the engine number is available in any other portion of the vehicle and to connect the engine number in the document with the seized car.

4.He further submits that the investigating agency doubts that tampering had been pre-planned and had been carried out to escape from the case. Further, the involvement of the vehicle in any other offence is also being ascertained, as regards the accused Thenraj he is involved in four cases of similar in nature.

5.Finding that now, the investigation is being monitored by the Assistant Superintendent of Police and the Inspector of Police is taking earnest efforts to find out the tampering of the engine number and chassis number, further, the eraser and tampering of engine and chassis number are already recorded in the seizure mahazar and Form - 95, this Court finds no reason to transfer the investigation and the respondent police is directed to complete the investigation within a period of six months from the date of receipt of a copy of this order.

With the above direction, the criminal original petition is dismissed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

sms



To

1. The Commissioner of Police,
Greater Chennai Police,
Veppery, Chennai.

2. State: Inspector of Police,
V-1, Police Station,
Villivakkam, Chennai.

3. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.18646 of 2021

PCH(CO)
GMY(01/12/2021)