



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 07.01.2021**

**CORAM :**

**THE HONOURABLE Mrs. JUSTICE R. HEMALATHA**

**Crl.O.P.(MD)No.70 of 2021**

VGP Housing Pvt., Ltd.,  
rep., by its Manager,  
Venkatachalam

... Petitioner

Vs.

The State rep., by  
The Sub Inspector of Police,  
Dindigul Town West Police Station,  
Dindigul, Dindigul District.  
(Crime No.1030 of 2020)

... Respondent

**Prayer :** Criminal Original Petition filed under Section 482 of Cr.P.C to set aside the Return Order, dated 24.07.2020 in Unnumbered Cr.M.P.SR.No.2207 of 2020 on the file of the learned Judicial Magistrate No.1, Dindigul and to direct the learned Judicial Magistrate No.1, Dindigul, Dindigul District to take on file the petition filed by the petitioner under Section 451 Cr.P.C.

|                |                              |
|----------------|------------------------------|
| For Petitioner | : Mr.A.Thiruvadikumar        |
| For Respondent | : Mr.S.Chandrasekar          |
|                | Additional Public Prosecutor |

**ORDER**

The petition has been filed by the petitioner under Section 482 Cr.P.C to set aside the return order, dated 24.07.2020 passed by the learned Judicial Magistrate No.1, Dindigul, Dindigul District, in Unnumbered Cr.M.P.SR.No.2207 of 2020.

2.The case of the petitioner is that, a case in Crime No.1030 of 2020 was registered by the Dindigul Town West Police Station for the offence punishable under Section 379 IPC on the basis of the complaint lodged by the petitioner that their Bolero Car bearing Registration No.TN33 AS 6629 was stolen. It was recovered by the police, after arresting accused persons and the petitioner, filed a petition seeking for the return of the said Car under



Section 451 Cr.P.C, before the learned Judicial Magistrate No.1, Dindigul. However, the learned Magistrate returned the said petition contending that the petitioner should file necessary documents to prove his ownership.

3.Mr.A.Thiruvadikumar, the learned counsel appearing for the petitioner submitted that one of the directors of the petitioner filed an affidavit before the learned Judicial Magistrate No.1, Dindigul and power of attorney was also issued in favour of the Manager of the petitioner's company. According to him, the learned Judicial Magistrate No.1, Dindigul without considering these two documents, returned the petition filed by the petitioner.

4.Mr.S.Chandrasekar, learned Additional Public Prosecutor, who takes notice on behalf of the respondent, would contend that the investigation in Crime No.1030 of 2020 is completed and final report is also filed before the concerned Magistrate. According to him, the learned Judicial Magistrate has returned the petition filed by the Manager of the petitioner's company on the basis that they did not produce sufficient documents to prove their ownership of the vehicle.

5.Since one of the directors of the petitioner filed an affidavit and power of attorney was also executed in favour of the petitioner, the learned Judicial Magistrate No.1, Dindigul is directed to number the application filed under Section 451 Cr.P.C, and after perusing the documents adduced by the petitioner, pass necessary orders for return of the property in accordance with law. The petitioner is directed to re-present the petition along with necessary documents.

6.With the above observation, the Criminal Original Petition is dispose of.

Sd/-

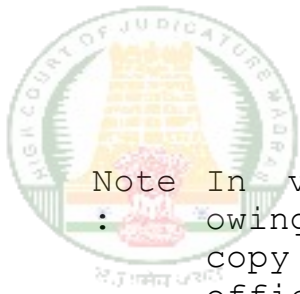
Assistant Registrar (AD I)

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Sub Assistant Registrar(CS)

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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 Judicial Magistrate No.I,  
Dindigul.
- 2.The Sub Inspector of Police,  
Dindigul Town West Police Station,  
Dindigul, Dindigul District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

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