



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2021

CORAM :

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

Crl.O.P.(MD)No.3416 of 2021

Chinnakaruppan

... Petitioner

Vs.

State rep., by
The Inspector of Police,
Railway Police Station,
Karur.
(In Crime No.4 of 2020)

... Respondent

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the learned Judicial Magistrate No.I, Karur to number the unnumbered C.M.P. of the year 2020 and dispose of the same on merits.

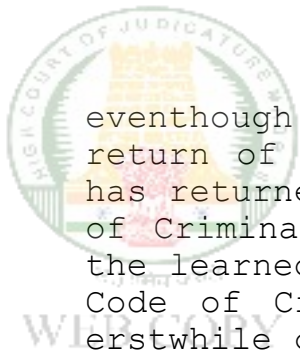
For Petitioner	: Mr.C.Mayilvahana Rajendran
For Respondent	: Mr.S.Chandra Sekar
	Addl. Public Prosecutor

ORDER

The petitioner has filed the present petition under Section 482 of the Code of Criminal Procedure seeking for a direction to the learned Judicial Magistrate No.I, Karur, to number the unnumbered C.M.P of the year 2020 and dispose of the same.

2.The main grievance of the petitioner is that he purchased a vehicle bearing Registration No.TN 38 M 4333 from one J.Rajeshwari, W/o S.Jaishankar and that she also signed the form to transfer the ownership of motor vehicle. The petitioner filed an application before the learned Judicial Magistrate No.I, Karur for return of the vehicle to him and the said petition was not even numbered by the learned Judicial Magistrate No.1, Karur. His further submission is that even before effecting name transfer, the respondent police foisted a false case against him and remanded the vehicle before the learned Judicial Magistrate No.I, Karur.

3.A perusal of the written endorsement made by the learned Judicial Magistrate No.I, Karur shows that the petition filed by the petitioner seeking for return of vehicle was returned since the petitioner did not produce the Registration Certificate with regard to the said vehicle. The main contention of the petitioner is that



eventhough the erstwhile owner of the vehicle has no objection for return of the vehicle, the Magistrate without considering the same has returned the petition filed by him under Section 451 of the Code of Criminal Procedure. It is seen from the petition filed before the learned Judicial Magistrate No.I, Karur under Section 451 of the Code of Criminal Procedure that the petitioner did not make the erstwhile owner of the vehicle viz., J.Rajeshwari, W/o.Jaishankar as respondent. In the circumstances, the petitioner is directed to implead J.Rajeshwari, W/o.Jaishankar as a respondent and thereafter, re-present the same before the learned Judicial Magistrate No.I, Karur. On receipt of such petition, the learned Judicial Magistrate No.I, Karur, is directed to number the Civil Miscellaneous Petition and pass appropriate orders strictly based on merits and in accordance with law.

4.With the above observation, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rmk

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, Karur.

2.The Inspector of Police,
Railway Police Station, Karur.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-8726[F] dated 04/03/2021)

+1 CC to M/s.P.SANTHANAKRISHNAN, Advocate (SR-8957[F] dated 05/03/2021)

Crl.O.P. (MD)No.3416 of 2021
04.03.2021

SSS(CO)

TR(26.03.2021) 2P 6C