



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE G. ILANGO VAN, J.

Crl.O.P. (MD)No.9817 of 2021

Subburaj

... Petitioner

Vs.

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

2.The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.

3.Thiyagarajan

...Respondents

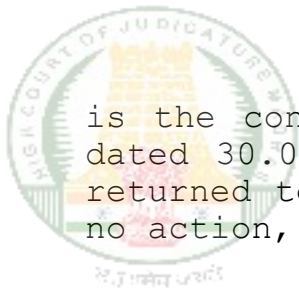
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to seize the petitioner's vehicle viz., Hitachi Breaker from the custody of the third respondent herein and hand over the same to the petitioner on the basis of the petitioner's complaint acknowledged in CSR No.574 of 2021 dated 15.04.2021 by the second respondent herein as well as on the basis of the representation dated 11.05.2020 addressed to the first respondent.

For Petitioner : Mr.A.Thiruvadikumar
For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor.

ORDER

This petition has been filed to direct the second respondent to seize the petitioner's vehicle viz., Hitachi Breaker from the custody of the third respondent herein and hand over the same to the petitioner on the basis of the petitioner's complaint acknowledged in CSR No.574 of 2021 dated 15.04.2021

2. The case of the petitioner is that he is owning Hitachi Breaker TN/69 BJ 1416, which was lent to the third respondent, who



is the contractor in Sterlite Industries, Tuticorin vide agreement dated 30.05.2019. Thereafter, neither the rent nor the vehicle was returned to the petitioner. He made a complaint and since there was no action, the petitioner has come up with this present petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor(Crl.side) for the respondents 1 & 2.

4. The grievance of the petitioner is that the vehicle has been purchased by hire purchase agreement and he is not in a position to pay the dues of the loan amount.

5. The learned Additional Public Prosecutor would submit that based on the jurisdiction aspect, the complaint given by the petitioner was closed on 07.05.2021 in CSR No.574 of 2021, observing that the place of occurrence is Sipcot police station, Tuticorin and that was accepted by the petitioner himself. Only on that ground it was closed.

6. Recording the submission made by the learned Additional Public Prosecutor(Crl.Side) that the enquiry was closed and nothing survives for further adjudication, this Criminal Original Petition is disposed of. The petitioner has to give complaint before the jurisdiction police station. The closure report shall be circulated to the learned counsel for the petitioner.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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,
Thoothukudi District,
Thoothukudi.

2. The Inspector of Police,
Thoothukudi South Police Station,
Thoothukudi,
Thoothukudi District.

<https://hcservices.hcj.gov.in/hcservices/>



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

Crl.O.P. (MD)No.9817 of 2021
23.07.2021

WEB COPY

PM (CO)

LR (03.08.2021) 3P 4C