



WEB COPY



CRL.O.P.No.31865 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE R.N.MANJULA

Crl.O.P.No.31865 of 2022

T.Jagadeesan

...

Petitioner

Versus

1. The State Represented by
its Inspector of Police,
Traffic Investigation Wing,
St. Thomas Mount, Chennai.

2.Jayakrishnan

...

Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the Judicial Magistrate, Alandur to entertain the Crl.MP.SR.No.6889 of 2022 in Crime No.203 of 2022 on the file of the respondent police, returned on 28.11.2022, pertaining to return of the subject car Viz: Skoda Yeti make vehicle bearing Registration No.TN 04 AJ 7984 and to dispose of the same within the time frame as fixed by this Court.

For Petitioner	:	Mr.M.Santhanaraman
For Respondent-1	:	Mr.S.Santhosh
		Government Advocate(crl.side)

ORDER



This Criminal original petition has been filed to direct the Judicial Magistrate, Alandur to entertain the CrI.MP.SR.No.6889 of 2022 in Crime No.203 of 2022 on the file of the respondent police, returned on 28.11.2022, pertaining to return of the subject car Viz: Skoda Yeti make vehicle bearing Registration No.TN 04 AJ 7984 and to dispose of the same within the time frame as fixed by this Court.

2. Heard the submissions made by the learned counsel on either side and perused the materials available on record.

3.The petitioner is said to have purchased a car bearing Registration No. TN 04 AJ 7984 of Skoda Yeti brand from its registered owner C.Haridoss on 06.10.2022 for a consideration of Rs.4,05,000/-. He got necessary documents for transfer of ownership including Form 99 under Rule 55 of the Tamil Nadu Motor Vehicle Rules and got delivery of the vehicle also. The relative of the petitioner had driven the car and met with an accident. Subsequently, the car was seized by the first respondent police and hence he filed a petition for return of the vehicle on interim custody. But the said petition was returned stating that the name in the RC Book is different. Despite the petitioner had resubmitted the petition by stating the details of



its purchase, it was not entertained and once again returned for the very same reason.

4. Subsequent to this kind of return endorsement, the learned counsel for the petitioner ought to have requested the Court to bring the matter in the open Court for the purpose of hearing and then pass an order about the maintainability of the petition. The petitioner without taking any steps, directly filed this petition seeking a direction of this Court. The very contention of the petitioner is that he had purchased the car from the original owner and before the name transfer is effected, the vehicle got involved in an accident unfortunately.

5. The learned counsel for the petitioner submitted that despite the previous owner by name C.Haridoss had executed all the relevant documents for name transfer he is not able to trace him now. As on date the RC Book stands in the name of Haridoss, hence the petitioner should take steps to cause the appearance of Haridoss. In that case, the Court can allow Haridoss to submit his No Objection affidavit and record the submission and pass any orders on the petition filed by the petitioner.

6. In view of the above stated reasons it is up to the petitioner to make



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R.N.MANJULA, J.,

jrs

due endorsement in the return petition itself for hearing it in the open Court.

Accordingly, this Criminal Original Petition stands **disposed** off.

23.12.2022

Index: Yes/No

jrs

To:

- 1.The Inspector of Police,
Traffic Investigation Wing,
St. Thomas Mount, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.

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