



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P. (MD) No.459 of 2022

Pandidurai

...Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
Jaihindpuram Crime Police Station,
Madurai City.

3.Prakash

4.K.Marimuthuraj

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue direction to the second respondent to entrust the custody of the Motor Cycle by branding name Royal Enfield bearing Registration No.TN21BH1521 to the hands of the petitioner.

For Petitioner : Mr.A.Balaji

For R1 & R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor

For R4 : Mr.V.Vishnu

ORDER

This Criminal Original Petition has been filed to direct the second respondent to entrust the custody of the Motor Cycle by brand name Royal Enfield, bearing Registration No.TN-21-BH-1521 to the hands of the petitioner.

2.The case of the petitioner is that the petitioner purchased the bike from the third respondent bearing Registration No.TN-21-BH-1521 by brand name Royal Enfield. He had acknowledged the receipt of sale consideration vide sale deed dated 15.06.2020. The third respondent has also given consent for transferring the ownership. Since at the time of purchase, the petitioner was minor, he could not able to submit the application before the authority concerned for transferring the name of the registration of the vehicle. Due to dispute with regard to sharing of family properties, the fourth respondent, who is none other than the brother-in-law of the petitioner herein, lodged the complaint before the second respondent as if the said bike was purchased by him and all the documents stand in his name. The second respondent, after issuance of CSR, without even registering the FIR and without following due process of the



law, simply had taken his motor bike and handed over to the fourth respondent.

3. Heard the learned counsel appearing on either side and perused the records.

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4. On perusal of the counter filed by the fourth respondent, it reveals that the fourth respondent purchased the motor bike from the third respondent after paying sale consideration of Rs.1,60,000/- on 13.06.2020. The fourth respondent handed over the said bike to the petitioner. However, the petitioner refused to return back the said bike as if the fourth respondent lodged the complaint before the second respondent. In the course of enquiry, the said motor cycle was surrendered before the second respondent and after verification of the documents, it was handed over to the fourth respondent. Therefore, the direction sought for in this petition, cannot be granted. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To:-

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
Jaihindpuram Crime Police Station,
Madurai City.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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