

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **12.09.2022**

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THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.15248 of 2013

and

M.P.(MD)No.1 of 2015

D.Nagarajan

... Petitioner

/Vs./

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

2.The Inspector of Police,
Pandiyar Nagar Police,
Virudhunagar.

... Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to return the jewels which were seized from the petitioner's shop.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

ORDER

This Writ Petition was filed for issuance of Writ of Mandamus, directing the respondents to return the jewels that were seized from the shop of the petitioner.

2.Heard Mr.T.Antony Arul Raj, learned counsel appearing for the petitioner and Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents.

3.When the matter was taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the petitioner was in the habit of receiving stolen jewels. Based on a complaint, FIR came to be registered in Crime No.188 of 2010 for offences under Sections 454 and 380 IPC. During the course of investigation, the jewellery was seized and was produced before the Court in P.R.No.131 of 2013. Ultimately, a final report came to be filed and it was taken on file by the Judicial Magistrate No.II, Virudhunagar in C.C.No.49 of 2014 and the case stood posted on 13.09.2022.

4.In view of the above, the relief sought for by the petitioner, cannot be granted in this writ petition. Writ petitions cannot be filed seeking for the relief

of return of property in the course of investigation. It will be left open to the petitioner to work out his remedy before the concerned Court and seek for return of the property.

5. According to the petitioner, the respondent police had seized 124 grams of gold and 252 grams of silver and whereas, what was produced before the Court was only five items of properties. Insofar as this allegation is concerned, it will be left open to the petitioner to independently work out his remedy, if any excess jewellery in gold or silver has been taken away from the petitioner, apart from what has been produced before the competent Criminal Court. These are particulars which were ascertained only from the counter that was filed by the respondent police and based on the same, submissions were made.

6. Except giving this liberty, no further orders can be passed in this writ petition. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

12.09.2022

Internet : Yes/No
Index : Yes/No
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N.ANAND VENKATESH, J.

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To:

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Pandiyar Nagar Police,
Virudhunagar.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P.(MD)No.15248 of 2013

Dated:
12.09.2022