



Crl.R.C.(MD) No.676 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

Crl.R.C.(MD)No.676 of 2022

T.Kirubanantha Kumar

... Revision Petitioner/Petitioner/
De-facto complainant

Vs.

State Through
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari,
Kanyakumari District.

... Respondent/Respondent/Complainant

Prayer : This Criminal Revision has been filed under Section 397 and 401 of Criminal Procedure Code, to call for the records in Cr.M.P.No.7031 of 2022 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District in Crime No.38 of 2022 on the file of the respondent police and relax the conditions 'A to d' in the above order in Cr.M.P.No.7031 of 2022, dated 11.07.2022.

For Petitioner : Mr.KA.Raamakrishnan

For Respondents : Mr.S.Manikandan
Government Advocate (Crl. side)



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ORDER

This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.7031 of 2022, dated 11.07.2022 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District, allowing the petition filed under Section 452 of Cr.P.C. with conditions.

2.The learned counsel for the petitioner would submit that the petitioner and the accused have earlier filed a petition under Section 482 of Cr.P.C in Crl.O.P.(MD)No.11168 of 2022 seeking to quash the First Information Report in Crime No.38 of 2022 and this Court, by taking into the compromise entered into between the parties and recording the joint memo of compromise filed by the parties, has allowed the petition and thereby, quashed the First Information Report in Crime No.38 of 2022. He would further submit that the petitioner, who is the de-facto complainant has specifically filed a petition for return of the vehicle in Cr.M.P.No.7031 of 2022 under Section 452 of Cr.P.C. and the learned Magistrate has passed an order as if the interim custody is given and that too with the usual conditions.



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3.It is evident from the impugned order that the respondent police has filed their objections, but the learned Government Advocate (Crl. side) would submit that since the FIR itself was ordered to be quashed, they have no objection to return the vehicle to the de-facto complainant. It is also not in dispute that the petitioner is the owner of the vehicle, which was seized by the respondent and was received and remanded in R.P.No.98 of 2022 on the file of the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District.

4.Considering the above facts and circumstances and also the facts that this Court has already quashed the FIR in Crime No.38 of 2022 on the file of the respondent police, the conditions imposed by the learned Magistrate, are not good in law and the same are liable to be set aside.

5.In the result, this Criminal Revision Petition is allowed and the impugned order passed in Cr.M.P.No.7031 of 2022, dated 11.07.2022 by the learned Judicial Magistrate No.I, Nagercoil, Kanyakumari District, is set aside.

22.07.2022

Index : Yes/No

Internet : Yes/No

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K.MURALI SHANKAR, J.

sjj

To:-

- 1.The Judicial Magistrate No.I,
Nagercoil, Kanyakumari District.
- 2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER MADE IN
Crl.R.C.(MD)No.676 of 2022

22.07.2022