



Crl.O.P.No.3670 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3670 of 2023

M/s.Kotak Mahindra Prime Limited,
Rep.by its Authorised Signatory,
Mr.Godson Vinokaran, Age – 32,
Having Office at 6th floor, A Wing,
Samson Towers, No.402-1,
Pantheon Road,
Egmore, Chennai 600 008.

...

Petitioner

Vs.

1.The Inspector of Police,
Dhanvantri Nagar Police Station,
Puducherry District.

2.M.Karunakaran

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent police to remove the two vehicles bearing Registration Nos.PY-05-H-7465 and PY-01-CS-4878 from the FIR in Crime No.0069/2021 dated 30.04.2021 on the file of the Dhanvantri Nagar Police Station, Puducherry District.

For Petitioner : Mr.S.Rajeni Ramadoss

For Respondent : Mr.Ramachandramurthy
No.1 Additional Public Prosecutor (Puducherry)
Assisted by Mr.A.Alexander



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ORDER

This Criminal Original Petition is filed to direct the first respondent police to remove the two vehicles, bearing registration Nos.PY-05-H-7465 and PY-01-CS-4878 from the FIR in Crime No.0069/2021, dated 30.04.2021, on the file of the Dhanvantri Nagar Police Station, Puducherry District.

2.The learned counsel for the petitioner submitted that one Karunagaran gave a complaint alleging that his Cars bearing registration Nos.PY-05-H-7465 and PY-01-CS-4878 were taken by one Dineshkumar and Ramesh for leasing the Cars on the promise of paying him money. Cars were handed over to them on 14.08.2020. Thereafter, they had not paid the promised amount. It transpires that not only petitioner's two Cars, but they had also taken seven other Cars from other persons. Therefore, complaint was given.

3.It is the submission of the learned counsel for petitioner that the Cars bearing Nos.PY-05-H-7465 and PY-01-CS-4878 were purchased by Vernace Francois M and K.Arumugam, on the financial support extended by the petitioner. Since there was default in making payment by these two persons, proceedings had been initiated under the Arbitration Act and Award was



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passed in favour of the petitioner. Thereafter, petitioner had taken possession of these vehicles. When the petitioner is in legal possession of the aforesaid two vehicles, showing them in the FIR is inappropriate. Therefore this petition.

4.The learned Additional Public Prosecutor (Puducherry) submitted that first respondent has recorded the submissions of Vernace Francois M and K.Arumugam. Thereafter, these two vehicles were removed from the FIR. The case is now proceeded only against the two vehicles of the defacto complainant and the other seven vehicles have also been removed from the purview of this case. He further submitted that necessary final report would be filed in the concerned Court in due course.

5.In the light of the submissions made by the learned Additional Public Prosecutor (Puducherry) that the vehicles bearing Nos.PY-05-H-7465 and PY-01-CS-4878 are removed from FIR and they are no more connected with the case in Crime No.0069/2021, dated 30.04.2021, on the file of the Dhanvantri Nagar Police Station, Puducherry District, no orders to be passed in this petition.



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6. Accordingly, this Criminal Original Petition is disposed of.

22.02.2023

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Internet: Yes

Index: Yes/No

Speaking/Non speaking order

To:

1. The Inspector of Police,
Dhanvantri Nagar Police Station,
Puducherry District.

2. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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