



Crl.O.P.No.16034 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

**Crl.O.P.No.16034 of 2023
and Crl.M.P.No.10050 of 2023**

1. S.V.S.Auto Financiers,
Rep. by Managing Director,
No.4, Ranganathan Nagar Extension,
Pallikonda, Vellore District.

2. S.Sasikumar .. Petitioners

Versus

1. M.Ravi

2. State Rep. by Inspector of Police,
Veppankuppam Police Station,
Vellore District.
Crime No.79 of 2009.

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records pertaining to the Criminal Miscellaneous Petition filed in Crl.M.P.No.13738 of 2022 on the file of the learned Judicial Magistrate Court No.III, Vellore and quash the same.

For Petitioners : Mr.P.Suresh Babu

For Respondent : Mr.A.Damodaran,
Government Advocate (Crl. Side)
for R2



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ORDER

This petition has been filed challenging the application filed by the first respondent before the Court below under Section 452 of Cr.P.C. seeking for the custody of the vehicle.

2. Heard Mr.P.Suresh Babu, learned Counsel for the petitioners and Mr.A.Damodaran, learned Additional Public Prosecutor for the second respondent.

3. It is seen from records that various orders have been passed in favour of the petitioner and the custody of the vehicle that was given in favour of the petitioner was also upheld by this Court in C.R.P.(NPD).No.550 of 2016 by order, dated 01.12.2021. While so, the grievance of the petitioners is that the first respondent by concealing all the facts and by concealing all the earlier orders, once again moved an application before the Court below under Section 452 of Cr.P.C. This according to the petitioners is a clear abuse of process of Court warranting the interference of this Court. Accordingly, this petition has been filed before this Court.



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4. It is quite clear from the records placed before this Court that orders have been passed in favour of the petitioners and the custody has also been handed over in favour of the petitioners. While so, the first respondent seems to have moved an application under Section 452 of Cr.P.C., seeking for the custody of the vehicle. The notice has been ordered to the petitioners. The petitioners shall file their counter and shall place all the earlier orders passed before the Court below. The Court below shall take the same into consideration and dispose off the application filed by the first respondent on the same day. This direction is issued in view of the fact that the first respondent has chosen to conceal all the earlier facts and file an application under Section 452 of Cr.P.C., as if he is entitled for the custody of the vehicle.

5. This Criminal Original Petition is disposed off with the above directions. Consequently, connected miscellaneous petition is closed.

19.07.2023

Index : yes/no
Speaking order/Non-speaking order



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Neutral Citation : yes/no
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Note : Issue order copy on 21.07.2023.



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To

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1. The Judicial Magistrate Court No.III,
Vellore.
2. The Public Prosecutor,
High Court of Madras.
3. The Inspector of Police,
Veppankuppam Police Station,
Vellore District.



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N.ANAND VENKATESH, J.

grs

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