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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-11-2023

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THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

CrI. OP No.22808 of 2023

M.Moorthy

... Petitioner/Defacto Complainant

Vs.

State by

Inspector of Police,

Guindy Police Station (J-3) Crime,

Chennai-600 032.

... Respondent/Complainant

Prayer: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, directing the respondent-police being the Inspector of Police (J-3) (Crime) Guindy Police Station in Crime No.189 of 2023 to recover the original Title Deed document No.3272 of 1987 related



to the crime, which is in the possession of the accused and the police have the authority to seize the valuable document from the accused for safe keeping the same, so as to ensure fair and just investigation, pending trial in FIR No.189 of 2023 in the interest of justice.

For Petitioner	: Mr.V.K.Sathiamurthy for Mr.R.Dinesh
For Respondent	: Mr.Leonard Arul Joseph Selvam, Government Advocate (Criminal Side).

ORDER

The present Criminal Original Petition has been filed to direct the Investigation Officer (IO), who is investigating the case in Crime No.189 of 2023 to seize the Original Title Deed of the property which stands in the name of K.S.Gopalakrishnan, but possessed by the accused Rajan Babu.

2. The learned Government Advocate (Criminal Side), appearing on behalf of the respondent, states that pursuant to the



registration of the complaint in FIR No.189 of 2023, the said accused was summoned and examined. Though he admits the possession of the document bearing No.3272 of 1987, which is the Title Deed of the property hold by K.S.Gopalakrishnan, he refused to hand over the original deed claiming that he has paid an advance around a sum of Rs.1,13,00,000/- to a third party as a lien and is holding the document. Whereas the Section 161 statement of K.S.Gopalakrishnan recorded by the Investigation Officer (IO) discloses that the said document was given to the petitioner-defacto complainant.

3. On considering these facts, the accused is holding the document to which he is not the owner nor he receive it from the owner, so he cannot hold it without proper explanation. The explanation, as given to the police and stated before this Court, does not give him any right to hold the document of a third party and hence the Investigation Officer (IO) is directed to seize the document from the accused under proper mahazar and produce it before the Court along with the Final Report, which should be done, within a period of six weeks from today.



4. With the above directions, the present Criminal Original

Petition Stands disposed of.

28-11-2023

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

Svn



To

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- 1.The Inspector of Police,
Guindy Police Station (J-3) Crime,
Chennai-600 032.
- 2.The Public Prosecutor,
High Court of Madras,
Chennai.



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DR.G.JAYACHANDRAN, J.

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