



Crl.O.P.No.1524 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

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Selvarajan

.. Petitioner

Versus

1. The State, rep. by the Inspector of Police,
Nallipayam Police Station, Namakkal District.
(Crime No.825 of 2020)

2. K.Sekar

.. Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and set aside the order passed by the learned Judicial Magistrate No.I, Namakkal in C.M.P.No.1397 of 2020, dated 23.02.2021, confirmed by the learned Additional District Sessions Judge, Namakkal in C.R.P.No.8 of 2021, dated 31.10.2022 and order to return the vehicle Lorry bearing Reg.No.TN 87 B 4101 to the petitioner for interim custody in Crime No.825 of 2020 on the file of the Inspector of Police, Nallipalayam Police Station, Namakkal District.

For Petitioner : Mr.B.Vasudevan

**For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for R1**

**: Mr.K.Sathish Kumar,
Mr.S.Kousik, for R2**



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ORDER

This petition has been filed challenging the order passed by the Court below dismissing the C.R.P.No.8 of 2021, dated 31.10.2022, confirming the order passed in C.M.P.No.1397 of 2020, dated 23.02.2021, on the file of the learned Judicial Magistrate No.I, Namakkal, allowing the application filed by the second respondent under Section 451 of Cr.P.C., for return of vehicle.

2. Heard Mr.B.Vasudevan, learned Counsel for the petitioner, Mr.A.Damodaran, learned Additional Public Prosecutor for the first respondent and Mr.K.Sathish Kumar, learned Counsel for the second respondent.

3. An F.I.R came to be registered in Crime No.825 of 2020 by the first respondent. In the course of investigation, the vehicle was seized and it was handed over to Court. The second respondent filed an application seeking for return of vehicle. The petitioner intervened in the said application and contended that he is the owner of the vehicle and that the second respondent does not have any right to seek for return of vehicle. Considering the rival



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claims made by the petitioner and the second respondent, the Trial Court held that the second respondent is in possession of the original documents pertaining to the vehicle and accordingly, allowed the application and granted release of the vehicle in favour of the second respondent. This was further confirmed by the Court below in the Criminal Revision Case filed by the petitioner.

4. This Court has carefully gone through the orders passed by both the Courts below and the materials available on record. While considering an application under Section 451 of Cr.P.C., the Court will only go by the prima facie materials available. In this case, the second respondent was in possession of the entire original documents pertaining to the vehicle. That apart, the second respondent also claimed that the petitioner agreed to sell the vehicle and accordingly, signed the agreement and handed over the original documents and thereafter, went back on the same. The Court cannot go deep into the right and title over the vehicle and that is an exercise that has to be done before a competent forum. On carefully going through the orders, this Court does not find any illegality or infirmity warranting the interference of this Court. It is left open to the petitioner to



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work out his remedy before the competent forum seeking for the ownership of the vehicle against the second respondent. The order passed in the criminal proceedings will not stand in the way of the petitioner from agitating his rights independently before the appropriate forum.

5. This Criminal Original Petition is disposed off in the above terms.

22.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Additional District and Sessions Judge,
Namakkal.
2. The Judicial Magistrate No.I,
Namakkal.
3. The Inspector of Police,
Nallipalayam Police Station, Namakkal District.
4. The Public Prosecutor,
High Court of Madras.



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N.ANAND VENKATESH, J.

grs

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