



W.P. (MD) No. 2400 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.02.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 2400 of 2023

Periyakaruppan

... Petitioner

Vs.

1.The Superintendent of Police,
(Prohibition Enforcement Wing),
Madurai,
Madurai District.

2.The Inspector of Police,
PEW Melur Police Station,
Madurai District.

... Respondents

In Crime No.60 of 2023

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 & 2 herein to forthwith release the petitioner's TATA ACE GOLD BS-IV bearing Registration No.TN-59-CD-0198 from their custody on the basis of the petitioner's representation dated 27.01.2023.

For Petitioner : Mr. K.Siva

For Respondents : Ms. M.Aasha
Government Advocate (Crl.Side)



W.P. (MD) No. 2400 of 2023

ORDER

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Heard Mr. K.Siva, Learned Counsel for the Petitioner and Ms. M.Aasha, Learned Government Advocate (Crl.Side) for the Respondents and perused the materials placed on record apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Respondents to release the vehicle of the Petitioner bearing Registration No. TN-59-CD-0198 which has been seized by the Second Respondent.

3. It has been brought to notice by Learned Government Advocate (Criminal Side) appearing for the Respondents that a case in Crime No. 60 of 2023 has been registered on 24.01.2023 against one Pandi under Sections 4(1)(a) of the Tamil Nadu Prohibition Act, 1937, in which the vehicle bearing Registration No. TN 59 CD 0198 belonging to the Petitioner is said to be involved and has been seized, and that a copy of the First Information Report has been sent to the Court of the Judicial Magistrate, Melur and he has filed a memo to that effect, which has been placed on record.



W.P. (MD) No. 2400 of 2023

4. In that backdrop, Learned Counsel for the Petitioner seeks permission of the Court to withdraw the Writ Petition reserving the rights of the Petitioner to file necessary application for return of property under Sections 451 and 457 of the Code of Criminal Procedure, 1973, before the jurisdictional Criminal Court and he has made an endorsement to that effect in the court record.

In view of the same, the Writ Petition is dismissed as withdrawn with the above clarification. No costs.

07.02.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/No

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Note: Issue order copy by 10.05.2023.



W.P. (MD) No. 2400 of 2023

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W.P. (MD) No. 2400 of 2023

P.D.AUDIKESAVALU,J.

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