



W.P. (MD) No. 4549 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.03.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No. 4549 of 2023

Kanthasamy

... Petitioner

Vs.

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

2.The Inspector of Police,
Prohibition Enforcement Wing Police Station,
Tirunelveli City.
(In Crime No.63/2023)

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Mandamus direct the 1 and 2 respondents herein to forthwith to release the petitioner's Maruthi Vitava Brezza bearing Registration No. TN-72-BH-4231 from their custody on the basic of his representation dated 27.02.2023.



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For Petitioner : Mr. C.Susi Kumar
For Respondents : Ms. M.Aasha
Government Advocate (Crl.Side)

ORDER

Heard Mr. C.Susi Kumar, 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-72-BH-4231 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. 63 of 2023 has been registered on 04.02.2023 against one Ramar under Sections 4(1)(a) of the Tamil Nadu Prohibition Act, 1937 and Sections 353 and 506(i) of IPC in which the vehicle bearing Registration No. TN 72 BH 4231



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belonging to the Petitioner is said to be involved and has been seized, and copy of the First Information Report has been sent to the Court of the Judicial Magistrate No.V, Tirunelveli and he has filed a memo to that effect, which has been placed on record.

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In view of the same, the Writ Petition is dismissed as withdrawn with the above clarification.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.

03.03.2023

NCC : Yes/No
Index : Yes/No
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Note: Issue order copy by 10.05.2023.

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To

WEB COPY

- 1.The Additional Superintendent of Police,
(Prohibition Enforcement Wing),
Tirunelveli,
Tirunelveli District.
- 2.The Inspector of Police,
Prohibition Enforcement Wing Police Station,
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P.D.AUDIKESAVALU,J.

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