



CRL.O.P.(MD)No.14220 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CRL.O.P.(MD)No.14220 of 2023

P.Kabilan

... Petitioner

Vs

1.The Superintendent of Police,
Madurai District, Madurai.

2.The Inspector of Police,
Nagamalaiudukkottai Police Station,
Madurai District.

3.T.Selventhiran

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second respondent to recover Swift Car bearing Registration No. TN 58 BH 0920 illegally detained by the third respondent on the indication of the second respondent and hand over the same to the petitioner.

For Petitioner : Mr.C.Mayilvahana Rajendran

For R-1 & R-2 : Mr.SS.Madhavan
Government Advocate (Criminal Side)

For R-3 : Mr.M.Jerin Mathew



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ORDER

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This petition is filed under Section 482 of Cr.P.C. in respect of a dispute seeking for a direction to the respondent Police to recover the swift car bearing Registration No.TN 58 BH 0920 belonging to the petitioner illegally detained by the third respondent.

2. It is submitted by learned counsel for the petitioner that there are disputes between the petitioner and respondent No.3 in respect of taking lease of the hotel belonging to respondent No.3, in respect of which, the respondent No.3 gave a false complaint to the Police, on which, respondent Police have called him to the Police Station and took his car and gave it to the third respondent, thereby, suitable directions are sought for.

3. It is submitted by learned counsel for the third respondent that the petitioner has purchased his hotel and gave a cheque for a sum of Rs.9,00,000/- (Rupees Nine Lakhs only) as consideration which was dishonoured, however, the petitioner has not handed over the hotel instead sold all the utensils and furniture, thereby, he filed a complaint before the respondent Police and in the Police Station, the petitioner himself has voluntarily handed over the car to him and the respondent Police are nothing to do with the same.



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4. It is submitted by learned Government Advocate (Criminal Side)

that the dispute between the parties is purely civil in nature in respect of a lease of a hotel and accordingly, the respondent Police have closed the petition after due enquiry and no cognizable offence has taken place

5. Since the complaint of the petitioner stated to have been closed as the dispute between the parties is purely civil in nature, no further orders can be passed in this case.

6. Accordingly, the Criminal Original Petition stands dismissed.

10.08.2023

NCC:yes/no
Index:yes/no
Internet:yes/no

tsg



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DR.D.NAGARJUN, J.

tsg

To

- 1.The Superintendent of Police,
Madurai District, Madurai.
- 2.The Inspector of Police,
Nagamalaiudukkottai Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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