



W.P. (MD) No. 28379 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2023

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKEAVALU

W.P. (MD) No. 28379 of 2022

P.Jeeva

... Petitioner

Vs.

1.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Office of the Additional Superintendent of Police,
Tenkasi District.

2.The State Represented by
The Inspector of Police,
Prohibition Enforcement Wing,
Alankulam Police Station,
Thenkasi District.
Crime No.17/2022

...Respondents

Prayer:- Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the respondents to release my two wheeler Hero Splendor bearing Registration No.TN-79K1292, pertaining to the case in Cr.No.17 of 2022 on the file of the second respondent herein and return the vehicle to the first respondent issued the notice dated 19.11.2022.



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

ORDER

Heard Mr.C.R.Ponnuthai, Learned Counsel for the Petitioner and Mr.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 vehicle of the Petitioner bearing Registration No.TN-79K1292, pertaining to the case in Cr. No. 17 of 2022 on the file of the Second Respondent.

3. In furtherance to the order passed on 23.12.2022, the Judicial Magistrate, Sivagiri by Proceedings dated 03.01.2023 in D. No. 17 of 2023 has informed to the Registry as follows:-

“ I humbly submit that FIR in Crime No.17 of 2022 on the file



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of the PEW, Tenkasi was received on 02.12.2022 and the property connected with the case was along with Form 91 was filed on 20.12.2022 and it was remanded in PR.No.513 of 2022 on 21.12.2022 and final report was filed on 22.12.2022 and final report yet to be taken on file of this Court.”

In view of the same, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition with liberty to make necessary application for return of property under Sections 451 read with 457 of the Code of Criminal Procedure, 1973, before the jurisdictional Criminal Court and he has made endorsement to that effect in the Court record.

4. In fine, this Writ Petition is dismissed as withdrawn granting such liberty. No costs.

03.01.2023

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NCC : Yes/No

Index : Yes/No

Internet : Yes/No

Note: Issue order copy by 30.01.2023.



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To

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1. The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Office of the Additional Superintendent of Police,
Tenkasi District.
2. The Inspector of Police,
Prohibition Enforcement Wing,
Alankulam Police Station,
Thenkasi District.
Crime No.17/2022



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P.D.AUDIKESAVALU,J.

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03.01.2023