

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-22361 of 2023

Date of Decision: 04.05.2023.

Surender Kumar

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. J.P. Jangu, Advocate
for the petitioner.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present petition filed under section 482 Cr.P.C., for quashing the order dated 23.09.2022, passed by the learned Sub Divisional Judicial Magistrate, Kalka (Annexure P-2), vide which the application filed by the petitioner seeking release of Hyundai Creta car bearing registration no. HR-08-Y-4637 on Superdari was dismissed. Challenge has also been made to order dated 10.03.2023 (Annexure P-4) passed by the Additional Sessions Judge, Panchkula, vide which the revision petition filed by the petitioner against order dated 23.09.2022, was dismissed.

2. An FIR No.411 was registered on 14.07.2022 under Section 379 IPC at Police Station Pinjore, District Panchkula. The complainant in the said FIR is one Parveen Kumar (respondent no.5) who had alleged that his vehicle had been stolen. Upon recovery of the vehicle, the present petitioner moved an application for release of the vehicle on Superdari. Objections were moved in the said case by Parveen Kumar stating that the vehicle had been sold to him by the petitioner and

an affidavit in this regard has also been executed by the petitioner. The trial Court dismissed the application for Superdari filed by the present petitioner and even the objections were dismissed. Both sides filed separate revision petitions. The revision petition filed by the present petitioner was dismissed, whereas that filed by Parveen Kumar was allowed vide order dated 10.03.2023 (Annexure P-5) and release of the vehicle on Superdari was allowed to him.

3. Learned counsel for the petitioner contends that the petitioner is the registered owner of the vehicle. He submits that the petitioner and respondent no.5 were friends and the petitioner had agreed to sell his vehicle to respondent no.5 and had also executed an affidavit in this regard, but payment had not been made by respondent no.5. He places reliance upon bank statement (Annexure P-8) to submit that no amount was transferred in his account as had been claimed by respondent no.5.

4. Having considered the submissions made by learned counsel for the petitioner, I do not find any merit in the same. No doubt, the petitioner is the registered owner. However, at the same time an affidavit was on record of the trial Court, as per which he had sold the vehicle to respondent no.5. The affidavit also mentions that full and final payment for the vehicle had been obtained by the petitioner. In view of the same, the argument that payment had not been made by respondent No.5 cannot be accepted.

5. Under the circumstances, the revisional Court did not commit any illegality in ordering the release of the vehicle on Superdari to respondent no.5 instead of the present petitioner, especially when the FIR had also been registered by respondent no.5 that his vehicle had been stolen.

In view the above, I do not find any merit in the present petition and the same is accordingly dismissed.

May 04th, 2023
Rekha

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned : *Yes/No.*
Whether reportable : *Yes/No.*