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**IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR
BEFORE**

HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE

ON THE 5th OF JANUARY, 2024

WRIT PETITION No. 16349 of 2023

BETWEEN:-

**RAMVEER SINGH GUJAR S/O LATE SHRI SOVRAN
SINGH THROUGH POWER OF ATTORNEY HOLDER SHRI
KRISHN SINGH GURJAR S/O SHRI RAMESHWAR
SINGH, AGED ABOUT 40 YEARS, OCCUPATION:
AGRICULTURE ADARSH NAGAR PINTO PARK
GWALIOR (MADHYA PRADESH)**

.....PETITIONER

(BY SHRI SIDDHARTH SHARMA - ADVOCATE)

AND

- 1. THE STATE OF MADHYA PRADESH INCHARGE
POLICE STATION THROUGH POLICE STATION
GWALIOR (MADHYA PRADESH)**
- 2. INCHARGE POLICE STATION THE STATE OF
MADHYA PRADESH THROUGH POLICE STATION
PADAV, GWALIOR (MADHYA PRADESH)**

.....RESPONDENTS

(BY SHRI S.S. KUSHWAH - GOVERNMENT ADVOCATE)

*This petition coming on for admission this day, the court passed the
following:*

ORDER

The present petition, under Article 226 of the Constitution of India, has not been filed by the petitioner against any particular order but is aggrieved by unwarranted and illegal action on the part of the respondents/police authorities in seizing the vehicle, which is SUV Range Rover bearing registration No.MP-07-CF-9528, and keeping it in their illegal custody though the said vehicle was

not involved in any of the crime which has been registered against the petitioner.

2. Learned counsel for the petitioner has argued that on the pretext that the aforesaid vehicle was found stranded on the road, it was towed and has been kept in the police station, as at the time when a raid was conducted for arrest of the petitioner involved in Crime No.126 of 2013 for the offence registered under Sections 420, 409, 506, 34 of the IPC, the petitioner seeing the raid party had fled away from the scene of the incident, leaving behind the said vehicle and since the said vehicle was allegedly obstructing the way of general public, it was taken to the police station which is not correct and was *per se* illegal.

3. It was further argued that the petitioner even had moved an application under Sections 451 and 457 of the Code of Criminal Procedure, before the CJM Gwalior for release of the said vehicle, but the said application was dismissed on the ground that since the said vehicle was not confiscated in pursuance to any of the crime registered against the petitioner, therefore, the application was not maintainable.

4. It was further argued that the petitioner except for coming to this Court by invoking its extraordinary jurisdiction has no other remedy to get back his own vehicle which is admittedly of his ownership and is not denied by the other side. It was thus prayed that the respondents/police authorities be directed to release the said vehicle of the petitioner forthwith which is confiscated on 01.04.2023 as with the efflux of time it may get deteriorated being unused.

5. On 10.10.2023, this Court had directed learned Government Advocate to seek instructions in the matter and in pursuance to aforesaid instructions, status report dated 16.10.2023 has been filed wherein the contentions of the petitioner as aforesaid have been accepted and it had been stated that since the

petitioner is an accused in Crime No.126 of 2023 registered on 01.04.2023 and was not to be found and was not cooperating in the investigation, on a raid being conducted for securing his presence, he fled away from the scene of incident leaving behind the said vehicle and as the said vehicle was obstructing the way of general public, it was towed and taken to the police station and as of date it has been kept in the police station.

6. After perusing the status report, this Court finds that except for the allegation that the petitioner who is an accused in Crime No.126 of 2023 registered at Police Station Padav, Gwalior, there is nothing on record to show that the said vehicle of the present petitioner was involved in either of the aforesaid crime or any of other crime registered against the petitioner.

7. Since the respondents could not show any legal provision under which they have kept/seized/confiscated the said vehicle and had kept it at police station Padav, Gwalior, this Court deems it expedient to direct the respondents/police authorities to release the said vehicle of the petitioner after due verification of its ownership if the said vehicle is not required in any of the crime.

8. Accordingly, the present petition is **allowed** and **disposed of** in above terms.

(MILIND RAMESH PHADKE)
JUDGE

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