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Crl.R.C.No.42 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.42 of 2023

Ramadoss

... Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
Maraimalai Nagar Police Station,
Tambaram.
(Crime No.477 of 2022)

2.M/s.Equitas Small Finance Ltd.,
Registered Office No.F-39, 4th Floor,
Phase-I, Spenser Plaza,
No.769, Mount Road, Anna Salai,
Chennai.
Rep by its Authorized Signatory,
Mr.V.Karthick, S/o.Velu,
Legal Officer

3.Jeevanantham

... Respondents

Prayer: Criminal Revision Petition filed under Sections 397 and 401 of Code of Criminal Procedure, praying to set aside the order dated 16.11.2022 passed in Crl.M.P.No.11148 of 2022 on the file of the learned Judicial Magistrate No.II, Chengalpattu and allow the above Criminal Revision Case.



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For Petitioner : Mr.C.Gunasekaran
For R1 : Mr.V.J.Priyadarsana
Government Advocate (Crl. Side)
For R2 : Ms.A.S.Neela Narayani
For R3 : Mr.D.Vijayan

ORDER

The above revision challenges the dismissal of the petitioner's application for the return of Mini Bus bearing Registration No. TN-39-BC-3786.

2.On the complaint given by the 3rd respondent herein, the first respondent registered an F.I.R. in Crime No.477 of 2022 against the second respondent for offences under Sections 147, 323 and 379 of I.P.C. alleging that the second respondent/financial institution had committed theft of his vehicle.

3.During the course of investigation, the first respondent came to know that the second respondent after taking the vehicle from the 3rd respondent had sold the vehicle to the petitioner. Hence, the first respondent seized the



vehicle and now the vehicle is in the custody of the first respondent.

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4.The petitioner stating that he is the purchaser of the vehicle from the second respondent for consideration sought for return of the vehicle, which was dismissed by the trial Court stating that the third respondent, who is the registered owner had also made a claim for return of the vehicle. The 3rd respondent also filed a petition and both the petitions were therefore dismissed, since there were rival claims.

5.The 3rd respondent had also filed a revision challenging the dismissal of his petition before the learned District and Sessions Judge, Chengalpattu in Crl.R.C.No.31 of 2020 and the same is pending.

6.The learned counsel for the petitioner submitted that after the filing of this revision, the parties, namely, the petitioner, 2nd and 3rd respondents arrived at a compromise by which, the 3rd respondent has paid a sum of Rs.4,60,000/- to the petitioner and Rs.53,000/- to the 2nd respondent, the claim made by the 2nd respondent. Therefore, the petitioner is not pressing this revision, as the 3rd respondent is the registered owner of the vehicle.



7.The learned Government Advocate (Crl. Side) and the learned counsel for the 2nd respondent confirm the said fact. The learned counsel for the 2nd respondent also submitted that the 2nd respondent has issued No Objection Certificate to the petitioner, who in turn has agreed to hand it over to the 3rd respondent.

8.The learned counsel for the 3rd respondent however sought for a direction to the learned District and Sessions Judge, Chengalpattu to consider his revision and consequently his request for return of vehicle, as the learned Judge had not considered the said revision, since the revision filed by the petitioner was pending before this Court.

9.Considering the fact that the petitioner has given up his claim, since he had received the sale consideration from the 3rd respondent and that there is no dispute with regard to the fact that the 3rd respondent is the registered owner and he had also entered into a compromise with the 2nd respondent, it is open to the 3rd respondent to pursue Crl.R.C.No.31 of 2020 pending before the learned District and Sessions Judge, Chengalpattu for return of the Mini Bus.



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10. With the above observations, the Criminal Revision Case stands dismissed.

29.11.2024

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
rsi

To

1. The Inspector of Police,
Maraimalai Nagar Police Station,
Tambaram.
2. The Judicial Magistrate No.II,
Chengalpattu.
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

rsi

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