



Crl.O.P.No.10947 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.10947 of 2024

Sundhar

... Petitioner

Vs.

1.The State Rep. By
The Commissioner of Police,
Tambaram City.

2.The Inspector of Police
S14, Peerkankaranai Police Station,
Tambaram

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the 1st respondent to conduct fair investigation pursuant to the petitioner's representation dated 07.02.2024.

For Petitioner : Mr.Krishnasamy Chinnasamy

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed to direct the 1st respondent to conduct fair investigation pursuant to the petitioner's representation dated 07.02.2024 and pass suitable order.



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2. The representation of the petitioner dated 07.02.2024 reveals that he purchased Maruti Suzuki Dzire car bearing registration No.TN 19 AK 5011 from a dealer at Thiruvannamalai on 21.06.2023. After name transfer, he was running the car as a cab through his driver Antony. On 06.12.2023, the car was intercepted by four persons, the driver was attacked and car was taken away by the gang. In this connection, complaint in C.S.R.No.930 of 2022 dated 26.08.2022 registered at Peerkankaranai Police Station. Even after visiting the station for more than 10 times, the police has refused to return the car which was recovered from the persons who had stolen.

3. When the matter came up for consideration, this Court after perusing the CD file finds that the grievance of the petitioner not been properly addressed by the Investigating Officer and till date his complaint not been registered as FIR for investigation and the vehicle recovered not been produced before the jurisdictional Magistrate for appropriate action. When this lapse was pointed out to the learned Government Advocate (Crl.Side), he undertook to advice the officials and also the senior officer K.Jayaraj, Assistant Commissioner present in



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the Court and undertook to rectify the lapse of the Investigating Officer and monitor the investigation appropriately.

4. Again on 05.07.2024, when the matter came up for consideration, it was reported on behalf of the prosecution that the investigation conducted under the supervision of Assistant Commissioner had disclosed a larger team of conspiracy and cheating involved, wherein, fake documents were prepared and using a fake transfer forms and No Objection Certificate from the financier, several cars like that of the petitioner been stolen and sold. It was also suspected that one Esakipandian and Silambarasan were the main brain behind the crime.

5. Today when the matter taken up for consideration, the learned Government Advocate (Crl.Side) submits that the police has registered FIR in Crime No.227 of 2024 on 08.07.2024. The vehicle the Maruti Suzuki Dzire car bearing registration No.TN 19 AK 5011 been produced before the Judicial Magistrate No.I, Tambaram on 08.07.2024.



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Dr.G.JAYACHANDRAN,J.

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6. In the light of the above fact, it is open for the petitioner herein to approach the Judicial Magistrate and seek for the temporary custody of the vehicle pending disposal of the case by establishing his right over the vehicle.

7. With this direction, this Criminal Original Petition is disposed of.

02.08.2024

Index : Yes/No

Neutral Citation : Yes/No

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To

1.The Commissioner of Police,
Tambaram City.

2.The Inspector of Police
S14, Peerankaranai Police Station,
Tambaram

3.The Public Prosecutor,
High Court of Madras,
Chennai.

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