



Crl.R.C.No.1429 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.R.C.No.1429 of 2023

Vijay

... Petitioner

Vs.

The Inspector of Police,
J-1 Police Station,
Saidapet,
Chennai – 600 015.

... Respondent

PRAYER: Criminal Revision Case is filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for the records and set aside the order dated 07.06.2023 made in Crl.M.P.No.9226 of 2023 by the learned Metropolitan Magistrate at Saidapet, Chennai.

For Petitioner : Mr.G.Rajkumar

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor



ORDER

WEB COPY

This Court, on 23.11.2023, had passed the following order:

“This Criminal Revision Case has been filed to set aside the impugned order, dated 07.06.2023 made in Crl.M.P.No.9226 of 2023 passed by the learned IX Metropolitan Magistrate, Saidapet, Chennai.

2. The petitioner's erstwhile father-in-law Vijayannan was entrusted with the petitioner's vehicle namely TATA Sumo Victa car bearing Registration No.TN 22 VC 2271 since his estranged father-in-law was in the transport business letting out vehicles to the companies. The petitioner's vehicle was running for L & T company. Due to misunderstanding between the petitioner and his wife Uma, they got divorce by mutual consent and the the vehicle was neither handed over to the petitioner nor any transport charges paid. Though Vijayannan agreed to handover the said vehicle at the time of mutual divorce agreement, he failed to do so. Later, the petitioner was informed that the car is with one Rajesh. Thereafter, a complaint has been lodged to the respondent Police, but no action taken, hence, he filed a petition under Section 156(3) Cr.P.C., before the learned IX Metropolitan Magistrate, Saidapet, Chennai. The learned Magistrate finding the delay in lodging the complaint and the complaint is silent regarding the relationship between the petitioner and the said Rajesh, dismissed the petition.

3. The learned counsel for the petitioner submitted that the



said Rajesh is an Advocate, who represented the petitioner's divorced wife Uma. The said Rajesh if called for enquiry, the vehicle would be produced to the petitioner; seeks time to produce any other document.

4. The learned Additional Public Prosecutor appearing for the respondent Police submitted that on the complaint of the petitioner, CSR is still pending. Already, a notice under Section 41-A Cr.P.C., issued to Vijayannan, but no response. Again, notice sent to Vijayanan and Rajesh. If they do not respond, appropriate action would be taken. The petitioner is free to produce any materials facilitating the enquiry before the respondent Police during enquiry.

5. Post the matter for further arguments on 08.12.2023.”

2.In continuation and conjunction to the earlier order passed by this Court on 23.11.2023, today, it is represented that F.I.R. has been registered by the respondent police in Crime No.67 of 2024 on 29.02.2024. In view of the same, nothing survives in this petition for further adjudication.

3.In view of the specific complaint of the petitioner that the vehicle is being detained by petitioner's erstwhile father-in-law's Advocate, the respondent police is directed to summon the Advocate, enquire him, if required and secure the vehicle.



Crl.R.C.No.1429 of 2023

WEB COPY

4. Since the specific allegation made against the Advocate, the petitioner shall give a complaint along with the copy of F.I.R. to the Bar Council of Tamil Nadu against the said Advocate and if materials are available, the Bar Council to proceed against the Advocate for professional misconduct.

5. With the above observations and directions, this Criminal Revision Case is closed.

20.03.2024

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

rsi



Crl.R.C.No.1429 of 2023

To

- 1.The Inspector of Police,
J-1 Police Station,
Saidapet,
Chennai – 600 015.
- 2.The Metropolitan Magistrate
Saidapet, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.1429 of 2023

M.NIRMAL KUMAR, J.

rsi

Crl.R.C.No.1429 of 2023

20.03.2024