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Crl.O.P.No.25737 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2024

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No. 25737 of 2024

G.Manikandan

... Petitioner

Vs.

1. The State rep.by
The Superintendent of Police,
Nagapattinam District.

2. The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS to issue a direction directing the second respondent herein to hand over the Honda Unicorn bike bearing Registration No.DL-5S-BD-1547, two lamps and helmet to the petitioner forthwith, which is kept in illegal custody by the second respondent herein.

For Petitioner : Mr.G.Magesh Kumar
For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition is filed seeking a direction to the second respondent herein to hand over the Honda Unicorn bike bearing



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Registration No.DL-5S-BD-1547, two brass lamps and helmet to the petitioner forthwith, which is kept in illegal custody by the second respondent herein.

2. The grievance of the petitioner is that he is an ex-service man and living peacefully, whereas, under the guise of investigating the money dispute, the second respondent/Police has illegally taken away his two wheeler, two brass lamps and helmet, which were kept outside his house. In fact, the vehicle of the petitioner is being used by the police men in the second respondent Police Station. The photograph of the vehicle driven by a man in a police uniform also produced before this Court to substantiate the allegation.

3. When the matter taken up for hearing on 19.10.2024, the learned Government Advocate (CrI.Side), for the respondents/Police sought time to report about the representation given by the petitioner herein dated 05.09.2024 regarding forcible seizure of his vehicle by the second respondent/Police.

4. Today, when the matter is taken up for hearing the learned



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Government Advocate (Crl.Side) states that a complaint against this petitioner being given by his brother and C.S.R.No.236 of 2024 is pending enquiry. This Court finds that registration of the complaint does not permits the Police to seize the property without following due process of law. From the representation and the complaint of the petitioner herein, this Court finds that two wheeler of the petitioner being unauthorizedly taken away by the second respondent/Police and being used by them for more than 45 days. Even after this petition it appears that the second respondent had not returned the vehicle of the petitioner. Hence, it is appropriate to direct the first respondent Superintendent of Police, Nagapattinam District to take disciplinary action against the second respondent for violating the human rights of the petitioner and also register a criminal complaint against him for stealing the property of the petitioner and using for his personal benefit are abuse of the power and investigate in accordance with law.

5. With the above directions, this Criminal Original Petition is disposed of. The first respondent is directed to recover the two wheeler of the petitioner from the second respondent and hand over the same to the petitioner and get appropriate acknowledgement for the same and report



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before this Court on 05.11.2024 along with action taken report against
the second respondent.

6. List the matter "For Reporting Compliance" on 05.11.2024.

25.10.2024

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
ms

To

1. The Superintendent of Police,
Nagapattinam District.
2. The Inspector of Police,
Vedaranyam Police Station,
Nagapattinam District.
3. The Public Prosecutor,
High Court, Madras.



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Dr.G.JAYACHANDRAN, J.

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