



WEB COPY



CrI.O.P.No.3354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

CRL.O.P.No.3354 of 2023

Captain Jacob Selvaraj
Honorary Secretary,
The Madras Flying Club Ltd,
Gate No.6, Aai Hangar,
Old Airport,
Civil Aerodrome, Chennai 27.

.... Petitioner

Vs

1. The Inspector of Police,
S3, Meenambakkam Police Station,
Chennai 27.

2. The Commissioner of Police,
Office of The Commissioner of Police,
Vepery, Chennai 600007.

3. R. Rajkumar,
S/o.P.Ramachandran,
Secretary,
The Madras Flying Club Ltd,
IOSA Auditor,
ISO 9001-2015, Lead Auditor,
Residing at M14/20,
Navabharath Colony,
2nd Street, Besant Nagar, Chennai-600090
(R3 Impleaded as per order dt 24.04.2023
in CrI M.P. No 2884 of 2023
in CrI O.P. No 3354/2023)

.... Respondents



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Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C./ Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to direct the 1st respondent to recover the stolen Vehicle Maruti Gypsy Registration No. DL 12 C 6521 from the accused Rajkumar in the Crime No. 487 of 2017 on the file of the 1st respondent within the time frame as may be stipulated by this Court.

For Petitioner : Mr.S.Jeyaram

For R1 & R2 : Mr.R.Vinothraja
Government Advocate (Crl.Side)

For R3 : Mr.R.Rajkumar
Party-in-person

ORDER

This Criminal Original Petition has been filed for a direction, directing the first respondent to recover the stolen vehicle, viz., a Maruthi Gypsy, bearing No.DL 12C 6521, from the accused in Crime No.487 of 2017.

2. A complaint was lodged by the Driver of the Madras Flying Club Limited before the first respondent and the same was registered in Crime No.487 of 2017 for the offence under Section 379 of IPC, alleging that the accused had sold a stolen vehicle. Pursuant to the registration of



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the FIR, no recovery was made and as such, the petitioner, who is also interested in this case, filed a petition seeking a direction for the first respondent to recover the stolen vehicle from the accused. Pending this petition, the accused filed a petition to implead himself as a party to the petition in Crl.M.P.No.2884 of 2023 and the same was allowed.

3. The specific case of the third respondent is that he is the Secretary of the Madras Flying Club Limited. The vehicle bearing No.DL 12C 6521 was allotted to the third respondent along with the registration certification. Therefore, there is no question of stolen the vehicle in order to attract the offence under Section 379 of IPC. Pursuant to the registration of the FIR, investigation was conducted and the same was closed as “Mistake of Fact”. Accordingly, a closure report was filed on 03.08.2017. The petitioner, being a disqualified Director, filed a petition in Crl.O.P.No.20359 of 2017 as against the closure report. Subsequently, the said petition was dismissed as withdrawn, because he has no *locus standi* to challenge the same. However, a protest petition was filed by the petitioner against the closure report before the Judicial Magistrate, Alandur, Chennai.



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4. That apart, the vehicle in question has now been handed over to the Aero Club of India, New Delhi, as per the interim order passed by this Court in Crl.O.P.No.18610 of 2021, by an order dated 22.10.2021. Therefore, the direction sought for in this petition cannot be considered and the petition itself is devoid of merits and is liable to be dismissed.

5. Accordingly, this Criminal Original Petition stands dismissed.

03.02.2025

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Index:Yes/No
Internet:Yes/No

To

1. The Inspector of Police,
S3,Meenambakkam Police Station,
Chennai 27.

2.The Commissioner of Police,
Office of The Commissioner of Police,
Vepery, Chennai 600007.

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



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G.K.ILANTHIRAIYAN,J.

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