



Crl.RC.No.1131 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 13.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

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Kowsalya
D/o.Krishnasamy
D.No.3/25, Main Road,
Karacheri, Periyakuyili,
Chettipalayam,
Coimbatore – 641 201.

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Petitioner

Vs.

1. State rep. by
The Inspector of Police,
DCB Police Station,
Coimbatore.

2. P.Rajkumar
S/o. Pechimuthu
S.F.No.223/3A1A/3A1B,
Chettipalaya, Palladam Road,
Coimbatore.

Respondents

Prayer: Criminal Revision is filed under Section 438 r/w. 442 of BNSS, to call for the records in C.M.P.No.343 of 2024 in Cr.No.22/2023 on the file of the District Munsif cum Judicial Magistrate, Madukkarai and set aside the order dated 21.05.2024 by allowing the revision.



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For Petitioner : Mr.K.Balasubramaniam

For Respondent : Mr.A.Gopinath
Govt. Advocate (Crl.side) for R1

Ms.R.Anisha Rani for R2

ORDER

This revision has been preferred as against the order dated 21.05.2024 passed in C.M.P.No.343 of 2024 in Cr.No.22/2023 on the file of the District Munsif cum Judicial Magistrate, Madukkarai, thereby dismissing the petition to return the properties.

2. The case of the prosecution is that the *de facto* complainant is a dealer of a Bharat Petroleum Corporation Ltd., namely “Sivim & Co.”. While being so, in the year 2019 the petitioner was appointed to take care of the day-to-day operation of the said petrol station which includes of handling of accounts and payment of refunds. From the month of October, 2022 onwards the petitioner stopped coming to work. Later the *de facto* complainant came to know that the petitioner's husband is running a lorry business and he used to fill diesel in the *de facto* complainant's petrol station and he used to pay through PAYTM App. Once in a two days he used to fill up the diesel for a sum of Rs.10,000/- to Rs.12,000/- and sum of Rs.73,00,000/- was diverted to

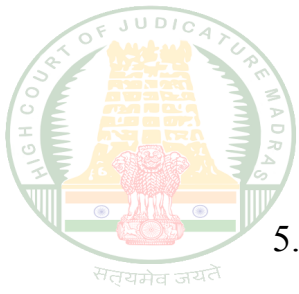


the petitioner's personal accounts from the year 2019 to 31.07.2023. Thereby

the petitioner caused loss to the *de facto* complainant.

3. On receipt of the said complaint the first respondent registered a FIR in Cr.No.22/2023 for the offences punishable under Section 408 & 420 of IPC. In pursuance to registration of the FIR, the first respondent seized the properties of the accused namely (i) Mahindra Scorpio Car bearing Reg.No.TN-41-BB-7985, (ii) cash of Rs.90,000/-, (iii) 3.2 ¼ sovereign gold chain and (iv) Two title deed bearing Doc.No.7156/2020 dated 26.11.2020 & Doc.No.9364 registered on the file of SRO, Kinathukadavu, from her house. Therefore, the petitioner has filed a petition for return of those properties and the same was dismissed by the trial Court. Aggrieved over the same, the present petition has been filed.

4. The learned counsel for the petitioner submitted that the petitioner restricted her claim only in respect of return of the vehicle viz., Mahindra Scorpio Car bearing Reg.No.TN-41-BB-7985, for which she is also ready and willing to pay a reasonable amount as directed by this Court.



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5. The petitioner is the sole accused in this case and she had misappropriated to the tune of Rs.73,00,000/-. In the crime proceeds the accused had purchased the immovable properties, jewels and also the aforesaid car for a sum of Rs.20,00,000/-.

6. In view of the submissions made by the learned counsel for the petitioner, this Court is of the view that keeping the car idle does not serve any purpose to the complainant. That apart, the car was purchased by availing loan and the petitioner's husband is paying the monthly due. Considering the above facts, this Court is inclined to return the aforesaid car alone to the petitioner.

7. Accordingly, this Criminal Revision Case is partly allowed and the order dated 21.05.2024 passed in C.M.P.No.343 of 2024 in Cr.No.22/2023 on the file of the District Munsif cum Judicial Magistrate, Madukkarai, is modified to the extent that the petitioner shall pay a sum of Rs.7,00,000/- (Rupees Seven Lakh Only) directly to the second respondent and on production of such acknowledgment from the second respondent, the trial Court is directed to return the vehicle viz., Mahindra Scorpio Car bearing Reg.No.TN-41-BB-7985, to the petitioner on condition that the petitioner



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shall execute a own bond for a sum of Rs.1,00,000/-.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
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To:

- 1.The District Munsif cum Judicial Magistrate, Madukkarai.
2. The Inspector of Police,
DCB Police Station,
Coimbatore.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN, J.

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