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CrI.O.P.No.10411 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.04.2025

CORAM:

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

CrI.O.P.No.10411 of 2025

Naresh Kumar @ Naresh

... Petitioner

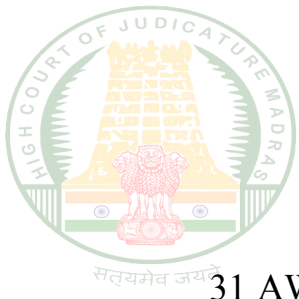
Vs.

1.The State rep. by
Inspector of Police,
Vellore North Crime,
Vellore District.
Crime No.440 of 2019.

2.The State rep. by
The Inspector of Police,
Bagayam Police Station,
Vellore District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 to issue a direction to the respondents to release and handover the car bearing registration No.AP



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31 AW 5328 to the petitioner which is an illegal and unlawful custody of the respondents seized in Crime No.440 of 2019.

For Petitioner : Mr.C.Harish

For Respondents : Mr.A.Gopinath,
Government Advocate (crl.side)

ORDER

This Petition has been filed seeking a direction to the respondents to release and hand over the car bearing registration No. AP 31 AW 5328 to the petitioner, which is allegedly in the illegal and unlawful custody of the respondents.

2. The case of the prosecution is that the petitioner claims to have purchased the car bearing registration No. AP 31 AW 5328 from Andhra Pradesh and had duly obtained a No Objection Certificate (NOC) from the Government of Andhra Pradesh to register the vehicle in his name. While in possession of the said vehicle, the petitioner was allegedly involved in Crime No. 440 of 2019, which was registered for offences



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punishable under Sections 170, 171, 419, 420, 506(1), and 120B of the IPC. Pursuant to the registration of the FIR in Crime No. 440 of 2019, the vehicle was seized by the police. Subsequently, the petitioner was involved in Crime No. 603 of 2023, which was registered at the Salem City Police Station. In connection with Crime No. 603 of 2023, an interim custody order for the vehicle was passed in favour of the petitioner. However, despite the interim order, the petitioner was unable to take possession of the vehicle, as the same is presently in the custody of the second respondent.

3. The learned counsel for the petitioner submits that the second respondent has no legal connection with any of the crimes in question and that the vehicle is being unlawfully detained by the second respondent. It is further contended that the vehicle has not been deposited before the concerned Court, which would have been the appropriate course of action if the vehicle was to remain in custody. The learned counsel therefore requests this Court to direct the release of the vehicle to the petitioner forthwith.



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4. The learned Government Advocate (crl.side) does not dispute the fact that an interim order for custody of the vehicle in question was passed in favour of the petitioner in Crime No. 603 of 2023. However, he submits that the vehicle continues to remain in the custody of the second respondent as no formal direction has been issued by the concerned Court for its release.

5. Heard both sides and perused the materials placed before this Court.

6. On perusal of records, it is evident that the vehicle in question was seized in connection with Crime No. 440 of 2019. It is also pertinent to note that an interim order for the custody of vehicle in favour of the petitioner has already been passed in the case relating to Crime No. 603 of 2023, and the petitioner has a legitimate claim to the possession of the vehicle. However, this Court observes that the vehicle is presently being held by the second respondent, who is not a party to the investigation of either Crime No. 440 of 2019 or Crime No. 603 of 2023.



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7. In view of the above, this Court is of the opinion that the second respondent is unlawfully detaining the vehicle, and there is no valid justification for the continued retention of the same by the second respondent. Accordingly, the second respondent is directed to release the vehicle bearing registration No. AP 31 AW 5328 forthwith in favour of the petitioner. The Criminal Original Petition stands allowed.

15.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

To

1.The Inspector of Police,
Vellore North Crime,
Vellore District.
Crime No.440 of 2019.

2.The State rep. by
The Inspector of Police,
Bagayam Police Station,
Vellore District.

3. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.
shk

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