



WEB COPY

CRL RC No. 1587 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-10-2025

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 1587 of 2025

1. M.Magesh
S/o. Late.M.Mani, No.74, Kannaiya
Street, Amanjikarai, Chennai - 600029.

Petitioner(s)

Vs

1. State Rep by, The Inspector of Police
(Crime)
K-11, CMBT Police Station, Chennai -
600107 (FIR Cr.No.262/2024)

2.Premier Industrial Plastics
Rep by its Partner, B.Subramania Pillai,
No.SP-153, 9th Line, Ambattur
Industrial Estate, Chennai - 600058.

Respondent(s)

CRL RC No. 1587 of 2025

PRAYER

To call for the records pertaining to the order dated 06.06.2025 made in Crl.MP.No.5546/2025 passed by the 5th Metropolitan magistrate Court, Egmore, Chennai and set aside the same and allow this Criminal Revision Case.

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For Petitioner(s): M/s.M.Senthil Kumar
R.Shine Kumar
R.Ramki

For Respondent(s): Dr.C.E. Pratap,
Government Advocate (Crl.
Side) R1
Court Notice Served For R2



R-2 PREMIER INDUSTRIAL
PLASTICS Rep By Its Partner,
B.Subramania Pillai, No.SP-153,
9th Line, Ambattur Industrial
Estate, Chennai - 600058.
Private Notice Permitted - Proof
Not Filed

M/s.
K.Arunprasad-ms/1776/2013
R.Aarthi
J. Yuvarani For R2

ORDER

This Criminal Revision Case has been filed to call for the records pertaining to the order dated 06.06.2025 made in Crl.MP.No.5546/2025 passed by the 5th Metropolitan magistrate Court, Egmore, Chennai and set aside the same.

2. The brief facts of the case:

On 19.03.2023, one Subramaniam Pillai along with group of 15 henchmen barged into Magesh Plastics by breaking the lock of shutter took the original documents of the business, bills, vouchers and removed the DVR, hard disk and camera. On verifying CCTV footage, the petitioner came to know that his employees had also abetted and involved in the crime and actively helped Subramanian Pillai. The said Subramanian Pillai had committed theft and took away 20 Nos. of injection molding die machines, each worth of Rs.3,00,000/- and two tone materials. After came to know about the same, the petitioner herein lodged a complaint to the respondent but the police did not initiate any



action. Thereafter the petitioner herein filed a private complaint under Section 156 Cr.P.C before the V Metropolitan Magistrate Court, Egmore, Chennai, and the same was allowed and directed the respondent police to register the FIR. Accordingly, the respondent police register FIR in crime No. 262 of 2024 under Sections 461 and 380 IPC. Subsequently, out of 20 Nos. of injection molding die machines, the respondent police found only 6 Nos. of injection molding die machines at the accused wife Krishnammal's premises and seized the same. Thereafter, the petitioner herein filed a petition under Section 497 BNS, before the V Metropolitan Magistrate Court, Egmore, Chennai, seeking to return the said articles. Upon hearing both sides, the Trial Court dismissed the said petition holding that there is civil suit pending between the parties in O.S No. 3176 of 2023 on the file of the City Civil Court, Chennai. Challenging the same, the petitioner filed this Criminal Revision Case.

3. The learned counsel for the petitioner submits that the respondent police have no objection to return the articles. In spite of that the absence of any legal provision permitting intervention, the learned magistrate entertained the objection of the third party/intervener and mechanically dismissed the petition. Hence, he prays to allow this Criminal Revision Case.

4. The learned counsel for the second respondent raised objection stating that the Trial Court has rightly dismissed the petition which needs no interference.



5. Heard both sides.

6. A perusal of records the fact reveal that the petitioner filed the complaint before the respondent police against the second respondent for unlawful removal of 20 Nos. of injection molding die machines from the petitioner's premise Magesh Plastics but the respondent police refused to register FIR. Subsequently, the petitioner filed private complaint under Section 156 Cr.P.C before the V Metropolitan Magistrate Court, Egmore, Chennai, and the same was allowed directing the respondent police to register the FIR. Accordingly, the respondent police register FIR in crime No. 262 of 2024 under Sections 461 and 380 IPC. Thereafter, out of 20 Nos. of injection molding die machines, the respondent police found only 6 Nos. of injection molding die machines at the accused wife Krishnammal's premises and seized the same. Considering the fact that there is I.D.OP pending between the petitioner and the accused before the I Additional Labour Court, Chennai, wherein, the second respondent herein filed a reply statement admitting that Magesh Plastics is totally belongs to the petitioner herein. Further, the respondent police have not objection to hand over the said article to the petitioner herein. But the Trial Court dismissed the petition stating that there is civil suit pending between the parties. Admittedly, the second respondent herein filed a civil suit after lodging the present complaint. Hence, the Trial Court is directed to return the 6 Nos. of injection molding die machines to the petitioner.

6. In view of the above discussions, the order passed in Crl.M.P.No.



5546 of 2025 dated 03.04.2025 by the V Metropolitan Magistrate Court, Egmore, Chennai, is hereby set aside. The learned V Metropolitan Magistrate Court, Egmore, Chennai, is directed to return 6 Nos. of injection molding die machines to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to execute an own bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the concerned Magistrate.

(ii) the seized item should be photographed at the cost of the petitioner herein and a list is to be prepared and the same is to be signed by the petitioner.

(iii) the petitioner shall not alienate and shall not make any alteration in the vehicle.

(iv) the petitioner shall produce the article before the Court and before the respondent police as and when required;

(vi) If any of the conditions are violated, this order automatically stands cancelled.

7. Accordingly, the Criminal Revision Case stands allowed.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The V Metropolitan Magistrate Court, Egmore, Chennai.
2. The Public Prosecutor, High Court, Madras.

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T.V.THAMILSELVI J.
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