



W.P. (CrI.) No.724 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

W.P. (CrI.) No.724 of 2025

Khabiya Motor Finance
Rep. by its Proprietor
S.Vinod Kumar
S/o.Sobhagmal
No.49, Audiappa Naicken Street
Sowcarpet, Chennai - 600 079

... Petitioner

Vs.

1. The Commissioner of Police
Chennai Commissioner, Vepery, Chennai - 600 007

2. The Inspector of Police (Crime)
J1 Saidapet Police Station
Saidapet, Chennai - 600 015

3. K.Radakrishnan

4. K.Praveen

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, restraining the 1st and 2nd respondents and their subordinates from seizing the TOYOTA INNOVA 25v, Silver Colour, bearing Registration No.TN09BL6985, Chassis No.MBJ11JV4007300242, Engine No.2KD 6899896, except in accordance with due process of law.

For Petitioner : Mr.S.Kousik
For Respondents 1 and 2 : Mr.R.Vinothraja
Government Advocate (CrI. Side)



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ORDER

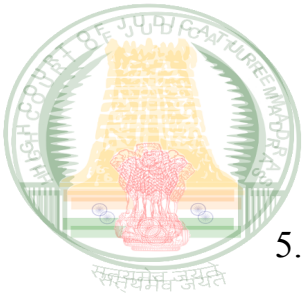
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As no adverse order is being against the respondents 3 and 4, notice to the respondents 3 and 4 is dispensed with and this Writ Petition is taken up for disposal at the admission stage itself.

2. This Writ Petition has been filed by the petitioner to restrain the 1st and 2nd respondents and their subordinates from seizing the vehicle TOYOTA INNOVA 25v bearing Registration No.TN09BL6985, except in accordance with due process of law.

3. The case of the petitioner is that he is a financier and he had advanced vehicle loan to the 3rd respondent after executing the hypothecation agreement. Now based on the complaint lodged by one Mr.Ganesan, who is alleged to be the original owner of the said vehicle, notice has been issued to the petitioner by the second respondent to appear for enquiry and on the pretext of enquiry on such notice, the second respondent is trying to seize the vehicle from the petitioner.

4. Considering the facts and circumstances of the case, let the petitioner appear before the second respondent police for enquiry. Unless forgery is established, the vehicle cannot be seized. If forgery is established, the police shall take action as per law.



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5. With the above directions, this Writ Petition (Criminal) is disposed

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Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

To

1. The Commissioner of Police
Chennai Commissioner, Vepery, Chennai - 600 007
2. The Inspector of Police (Crime)
J1 Saidapet Police Station
Saidapet, Chennai - 600 015
3. The Public Prosecutor,
High Court of Madras.



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N. SATHISH KUMAR, J.

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