



CrI.O.P.No.27032 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

CrI.O.P.No.27032 of 2025

Nirmaladevi

... Petitioner

Vs.

The State represented by
Inspector of Police
Gudimangalam Police Station
Udumalaipettai, Tiruppur
(Cr.No.403 of 2024)

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and set aside the order dated 28.08.2025 passed by the learned Principal Sessions Judge, Tiruppur in CrI.RC.No.22 of 2025 by confirming the order of the learned Judicial Magistrate No.2, Udumalapettai in CMP.No.186 of 2025 dated 09.06.2025.

For Petitioner : Mr.B.Thirumalai

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI.Side)

ORDER

Challenging the order of the Revision Court dismissing the petition filed by the petitioner for return of the Car.

2. The car in question was purchased and owned by the petitioner's



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husband one Suresh. Further, the petitioner's husband died on 26.08.2024.

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She is said to have lent that Car to one Soundarraaj who is said to have committed the offence under Sections 191(2), 296(b), 115(2), 329 and 138 of BNS, 2023 in Cr.No.403 of 2024 for allegedly kidnapping the victim girl who eloped with her lover and got married and the car was seized on 23.10.2025. Only on that confession, her car was seized and produced before the Court. Now, the petitioner sought for return of vehicle, the Court below in revision had dismissed the petition with a liberty to the petitioner to file fresh application, if any, on the same cause of action, by impleading the other legal heirs of her husband. Challenging the said order, the present petition has been filed.

3. The learned Government Advocate (Crl.Side) submitted that the car has been used for kidnapping the victim girl who has married against the wishes of her parents.

4. Admittedly, the petitioner is not a third party, her husband is the owner of the car. The crime of kidnapping is said to have been committed because of the marriage of the victim girl with her lover against the wishes of her parents. Be that as it may, the petitioner is no way connected to the



crime. It is also seen that from the date of registration of FIR, the vehicle is

kept in open space and thereby, the value of the vehicle is getting diminished. The Hon'ble Apex Court in the case of *Sunderbhai Ambalal Desai -Vs- State of Gujarat* reported in (2002) 10 SCC 290, had given guidelines in the cases of return of property to the owner.

5. The vehicle is kept in open yard exposing to vagaries of weather and further detention would cause damage to the vehicle, in result, the value of the vehicle will get diminished and vehicle would become immobile.

6. The petitioner's mother in law is also the class-I legal heir to petitioner's husband, the same will have to be decided in a separated proceedings made by her mother in law. It is for the mother in law to the petitioner to claim any shares separately, therefore, merely she was not impleaded in the present petition, the car cannot be kept permanently in police custody.

7. In view of the aforesaid reasons, this court is inclined to set aside the order passed by the learned Principal Sessions Judge, Tiruppur made in Cr.R.C.No.22 of 2025, dated 28.08.2025 and accordingly, this petition is



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8. Since the vehicle is in possession of the respondent police, the respondent police is directed to return the vehicle Hyundari Creta car bearing No.TN-78-MC-0303 to the petitioner, on the following conditions:-

- (i) The petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.II, Udumalpet;
- (ii) The petitioner shall produce the original RC Book of the vehicle and other relevant records to prove his ownership. The learned Magistrate shall peruse the RC book and other records, retain xerox copy of the same and return the same to the petitioner with a view to use the vehicle;
- (iii) The petitioner shall not alter or alienate the vehicle in any manner till adjudication is over;
- (iv) The petitioner shall also give an undertaking that he will not use the vehicle for any illegal activities in future and also to produce the vehicle as and when required by the respondent and by the court below



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WEB.COM Neutral Citation: Yes/No

To

1. The Principal Sessions Judge, Tiruppur
2. The Judicial Magistrate No.II, Udumalaipettai
3. The Public Prosecutor,
Tiruppur

N. SATHISH KUMAR, J.

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