



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-11-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CRL RC No. 2405 of 2025

ABISHEKNARAYANAN

S/o.Kumar,

No.19, Roja Thottam 2nd Street, Balaji

Nagr, Irumbuliyur, Tamilnadu-600 059

Petitioner(s)

Vs

State rep by the Inspector of Police

DCB, Chengalpattu Police Station,

Cr.No.10/2025

Respondent(s)

CRL RC No. 2405 of 2025

PRAYER

To set aside the order passed by the Learned Judicial Magistrate-II, Chengalpattu in CrI.M.P.No.2545/2025 dated 08.10.2025

For Petitioner(s): Mr.S.Amarnath

For Respondent(s): Dr.C.E.Pratap,
Govt. Advocate (Crl. Side)



ORDER

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This Criminal Revision Case has been filed challenging the order dated 08.10.2025 passed in Crl.M.P.No.2545 of 2025 by the learned Judicial Magistrate-II, Chengalpattu, thereby dismissing the petition filed for return of vehicle, viz., Volks Wagen Jetta 2.0 LCR TDI car bearing Registration No.TN-42-Y-9090.

2. The case of the petitioner is that the petitioner is the owner of the vehicle viz. Volks Wagen Jetta 2.0 LCR TDI car bearing Regn. No.TN-42-Y-9090. The said Car was seized by the respondent police on 15.04.2025 in connection with Crime No.10 of 2025 for the offence under Section 465, 467, 468, 471, 420, 120(B) of I.P.C. alleging that all the accused allegedly committed criminal breach of trust in order to cheat the defacto complainant by creating forged documents. Therefore, the petitioner filed a petition in Crl.M.P.No.2545 of 2025 before the Judicial Magistrate No.II, Chengalpattu, invoking Section 497 and 503 of B.N.S.S. seeking return of property, but the same was dismissed by order dated 08.10.2025. Aggrieved by the same, the present revision is filed.

3. The learned counsel for petitioner would submit that he filed a petition for return of vehicle and the same was dismissed by the trial court holding that the vehicle was purchased out of alleged chit amount comes around



Rs.84,00,000/-. He would submit that the petitioner is the owner of vehicle and he is not an accused and as on date, final report was not filed. He would submit that out of hard-earned money, he had purchased the said car. Hence, he prayed to set aside the findings of trial court.

4. The learned Government Advocate (Crl. Side) would submit that the parents of petitioner are ranked as A1 and A2, who have involved in cheating of chit amount around Rs.84,00,000/- and out of the said amount, the said car was purchased. Hence, he objected to return of the vehicle.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. Even according to the case of the prosecution, the parents of petitioner are ranked as A1 and A2, who have involved in cheating of chit amount around Rs.84,00,000/- and out of the said amount, the said car was purchased. Further the provision under Section 451 of Cr.P.C./497(1) of BNSS provides for protection of the property from degradation due to non maintenance in the custody of the police as it takes long time for conclusion of criminal proceedings. The vehicle is in broad day light from the date of seizure and the trial has also been commenced and hence no useful purpose will be served in keeping the vehicles parked in the sunlight and rain.



7. Considering the facts and circumstances of the case, this Court is inclined to order return of the vehicle to the petitioner and accordingly, the order dated 08.10.2025 passed in Crl.M.P.No.2545 of 2025 on the file of the Judicial Magistrate No.II, Chengalpattu, is hereby set aside. The learned Judicial Magistrate No.II, Coimbatore, is directed to return the vehicle viz. Volks Wagen Jetta 2.0 LCR TDI car bearing Regn. No.TN-42-Y-9090 to the petitioner, forthwith on the following conditions:-

(i) the petitioner is directed to deposit a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to the satisfaction of the concerned Magistrate to the credit of Crime No.10 of 2025 pending on the file of the respondent police. On such deposit, the vehicle is ordered to be returned and the petitioner is permitted to take the vehicle.

(ii) the petitioner shall deposit the original registration certificate of the vehicle with the concerned Magistrate.

(iii) 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.

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

(v) the petitioner shall produce the vehicle before the Court and before the respondent police as and when required;



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(vi) If any of the conditions are violated, this order

automatically stands cancelled.

8. Accordingly, the Criminal Revision Case stands allowed.

19-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1. Judicial Magistrate No.II, Chengalpattu.

2. Inspector of Police

DCB, Chengalpattu Police Station

3. The Public Prosecutor, High Court,
Madras.



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T.V.THAMILSELVI J.

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