



Crl.O.P.(MD)No.1651 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1651 of 2025

Kousalya

: Petitioner

Vs.

The Inspector of Police,
Nerkuppai Police Station,
Singampunari Taluk,
Sivagangai District.
Crime No.77 of 2024

: Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to set aside the docket order dated 09.01.2025 in unnumbered Crl.M.P.No.... of 2024 dated 26.12.2024 on the file of the learned Judicial Magistrate, Singampunari and number the same within a time frame that may be stipulated by this Court.

For Petitioner : Mr.T.Veerakumar

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)

ORDER

The petitioner/ wife of Thavasuraman had filed a return of property petition before the learned Judicial Magistrate, Singampunari, on



Crl.O.P.(MD)No.1651 of 2025

26.12.2024. The case was returned on 09.01.2025 directing the petitioner to file a power deed from her husband, who is owner of the vehicle and presently in Singapore. Hence, the above petition.

2. The contention of the petitioner is that case in Crime No.77 of 2024 came to be registered on 16.12.2024. The complainant therein, namely, Nithya is none other than the sister of petitioner's husband. The said Nithya's husband viz., Subramanian was using the petitioner's husband's vehicle bearing Registration No.TN 63 BL 8838. On 15.12.2024, the said Subramanian had left the bike with key without being noticed and entered the house. Thereafter, on the next day, found that the bike was missing. Some body had committed theft of bike. Hence, lodged a complaint. Now, the petitioner came to know that the bike was seized by the respondent police in Crime No.77 of 2024. Thereafter, she filed return of property petition.

3. The learned Government Advocate (crl.side) submitted that in this case, the petitioner is not owner of the vehicle, which is her husband Thavasuraman, who is owner. In this case, either the defacto complainant or the owner of the vehicle can file a return of property petition. The



Crl.O.P.(MD)No.1651 of 2025

petitioner being the wife of Thavasuraman has to necessarily file authorization letter or power of attorney to confirm authorizing the petitioner to seek the return of seized bike.

4. Considering the submissions and perusal of the materials, it is seen that the bike bearing Registration No.TN 63 BL 8838 stands in the name of Thavasuraman. In this case, Crime No.77 of 2024 has been registered on the complaint of Nithya. It is either Nithya to file a return of property petition or Thavasuraman. In the absence of Thavasuraman, who is the owner of vehicle, authorization letter or power of attorney to be filed by the petitioner. In the event of Nithya/ defacto complainant filing the petition, the same to be entertained by the trial Court.

5. With the above direction, this Criminal Original Petition is disposed of.

29.01.2025

NCC : Yes/No

Index : Yes / No

Rmk

NOTE : Registry to return the original papers filed along with this petition to the petitioner.



Crl.O.P.(MD)No.1651 of 2025

To

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- 1.The Inspector of Police,
Nerkuppai Police Station,
Singampunari Taluk,
Sivagangai District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.1651 of 2025

M.NIRMAL KUMAR,J.

Rmk

Crl.O.P.(MD)No.1651 of 2025

29.01.2025