



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 11333 of 2026

Divya

Petitioner(s)

Vs

The State Rep By,
The Inspector of Police
Karumathampatti Police Station,
Coimbatore. Crime NO.118 of 2026.

Respondent(s)

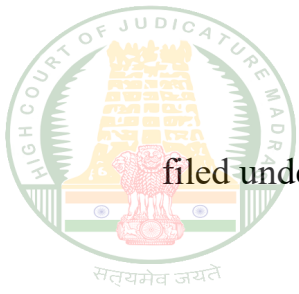
PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to call for the records set aside the returned docket order made in CMP.SR.No.837 of 2026 dated 02.04.2026 by the learned Judicial Magistrate, Sulur at Coimbatore.

For Petitioner(s): Mr.T.Balachandran

For Respondent(s): Mr.R.Rajasekaran
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to call for the records and set aside the docket order made in CMP.SR.No.837 of 2026 dated 02.04.2026 by the learned Judicial Magistrate, Sulur at Coimbatore, returning the petition



filed under Section 497 r/w 503 of BNSS.

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2. The petitioner, being the owner of the Toyota Urban Cruiser Hyryder G(O) AT bearing Reg.No.TN 37 EC 6577, has filed a petition on 02.04.2026 under Section 497 r/w 503 of BNSS before the learned Judicial Magistrate, Sulur, seeking return of the vehicle. On the very same day, the petition was returned with the following endorsement:

“This case property TN 37 EC 6577 car was confiscated by concerned police. Hence, this petition not maintainable and returned.”

3. The learned counsel for the petitioner submitted that, an FIR was registered on 16.03.2026 for the offence under Section 4(1)(c) of Tamil Nadu Prohibition Act, 1937. He further submitted that the petitioner is not an accused in the said case. According to him, the petitioner's husband namely, Parthiban, was allegedly found driving the petitioner's vehicle, and upon inspection by the Election Flying Squad, 48 liquor bottles were found in the vehicle. He further submitted that, neither the FIR, nor any other material placed before the Court discloses that confiscation proceedings initiated as contemplated under Section 14 of the Tamil Nadu Prohibition Act. Hence, the return of petition, without adjudication, is not proper.



4. The learned Government Advocate (Crl. Side) appearing for the respondent fairly submitted that, no confiscation proceedings have been initiated as on date.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent and also perused the materials available on record.

6. Considering the submissions made by the learned counsel on either side and upon perusal of the materials available on record, this Court finds that the order of the learned Magistrate returning the petition, seeking interim custody of the vehicle is not justified. The trial Court is reminded that confiscation proceedings contemplated under Section 14 of the Act neither initiated nor any orders passed. Unless an order of confiscation passed by the Confiscating Authority and the vehicle confiscated, the trial Court is not ousted of its jurisdiction to entertain a petition for return of the property in Prohibition Act Cases.

7. In view of the above, Registry is directed to return the original returned petition containing the docket order dated 02.04.2026 in C.M.P.SR.No.837 of 2026, to enable the petitioner to represent the same before the Court concerned.



Upon such representation, the learned Judicial Magistrate, Sulur, shall take the petition on file, hear and consider the same and pass appropriate orders on its own merits and in accordance with law, as expeditiously as possible.

8. With the above directions, this Criminal Original Petition stands disposed of.

09-06-2026

Jd

Neutral Citation: Yes/No

To

1. The Judicial Magistrate, Sulur.

2. The Inspector of Police
Karumathampatti Police Station,
Coimbatore. Crime NO.118 of 2026.

3. The Public Prosecutor, High Court of Madras.



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M.NIRMAL KUMAR J.
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