



WEB COPY



Crl.R.C.No.2830 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2026

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.R.C.No.2830 of 2025

Naveen Kumar Kochar

... Petitioner

-Vs-

1.The State Rep. By

The Inspector of Police,

Office of the Tambaram,

Commissioner of Police,

Sholinganallur, Chennai – 119.

... 1st Respondent

2. L.Dhandapani.

...2nd Respondent/Defacto complainant

[2nd respondent/Defacto complainant impleaded as per the orders of this Court [SMJ] on 06.02.2026 in Crl.M.P.No.1276 of 2025]

PRAYER: Criminal Revision Case filed under Sections 438 and 442 of the BNSS, praying to set aside the order dated 01.12.2025 in Crl.M.P.No.2860 of 2025 passed by the learned Judicial Magistrate-II, Chengalpattu.

For Petitioner : Mr.Nithyaesh Natraj
for M/s.Anirudh A Sriram

For R1 : Mr.R.Vinoth Raja,
Government Advocate (Crl.Side)

For R2 : Mr.K.Gowthaman



Crl.R.C.No.2830 of 2025

ORDER

The present Criminal Revision Case is filed challenging the order passed by the learned Magistrate dismissing the petitioner's application seeking return of the movable properties such as cars and mobile phones seized from the petitioner in connection with Crime No.18 of 2025 registered for the offences under Sections 316(2), 318(4), 351(2) and 61(2) of the Bharatiya Nyaya Sanhita.

2. The gist of the allegation in the FIR is that the petitioner is the son of the fourth accused and that he had also made representations to the de facto complainant while entering into the transaction and that the articles seized, namely cars and mobile phones, are connected with the said transaction; that the de facto complainant had executed a Power of Attorney in favour of A4, one Inderchand Kochar, giving power to sell his property measuring an extent of 7.67 acres of land situated at Thaiyur Village, Thiruporur Taluk, Chengalpattu District; that thereafter A4 had developed a layout and sold 162 plots, paid a sum of Rs.10 crores to the de facto complainant and issued nine cheques for a total sum of Rs.19 crores, which were dishonoured, and thus A4 and other accused had committed the aforesaid offences.



3. The petitioner is arrayed as one of the accused in the said case. The role played by the petitioner, according to the prosecution, is that the petitioner had entered into an agreement with A4 for development of the plots. During the course of investigation, the respondent police seized certain documents and movable properties, namely cars and mobile phones, from the petitioner. The petitioner sought for return of those articles, which came to be dismissed by the Trial Court by the impugned order.

4. The learned counsel for the petitioner would submit that the FIR itself cannot be sustained as against the petitioner; that the petitioner had not made any representation to the de facto complainant and had acted only as a property developer and was entitled to enter into an agreement with the power agent; that the entire transaction was completed in the year 2019; that in the year 2023, a complaint in respect of the same transaction was filed and the same was closed as it disclosed only a civil dispute; that thereafter the instant complaint was originally filed before the learned Magistrate, who directed registration of the FIR; that since no FIR was registered, the de facto complainant approached this Court and pursuant to the directions issued, the instant FIR came to be registered; and that the articles seized from the petitioner have nothing to do with the alleged offence.



Crl.R.C.No.2830 of 2025

WEB COPY

5. The learned Government Advocate (Crl.Side) for the 1st respondent would oppose the prayer, stating that the petitioner's involvement would be revealed only during the course of investigation; that the seized articles are very much essential for the purpose of investigation; and that the impugned order does not warrant interference, as the articles seized are alleged to be proceeds of crime and instruments facilitating the commission of the offence. The respondent has also filed a status report to that effect.

6. The learned counsel for the 2nd respondent/defacto complainant would state that the petitioner had suppressed the fact that they had filed a writ petition seeking to quash the seizure and also for return of the documents; that while the said writ petition is pending, they had moved a petition before the learned Magistrate suppressing the same; that since the learned Public Prosecutor objected to the petition, the said petition was dismissed by the learned Magistrate and that the learned Magistrate was justified in doing so.

7. In response, the learned counsel for the petitioner would submit that the pendency of the writ petition was not mentioned inadvertently. However,



Crl.R.C.No.2830 of 2025

they have now filed an affidavit stating that a writ petition is pending and that they have instructions to withdraw the said writ petition.

8. Apart from the vague statement made in the status report that the seized documents and articles are instruments facilitating the commission of the offence, the learned Government Advocate (Crl.Side) was unable to point out as to how the seized articles are relevant for the purpose of investigation in the present case.

9. It is needless to state that the petitioner ought to have mentioned about the pendency of the writ petition in the Revision and they having not mentioned about the same in the Revision is certainly not a desirable conduct. The petitioner has however filed an affidavit expressing regret for not stating the above fact. Hence, this Court is not inclined to dismiss this petition on that ground.

10. It is well settled that under Section 102 of the Code of Criminal Procedure, 1973, now Section 106 of the Bharatiya Nagarik Suraksha Sanhita, property can be seized only if it is alleged to be stolen or if the possession of the property creates suspicion of commission of an offence.



Crl.R.C.No.2830 of 2025

Admittedly, the properties seized are not stolen properties and the seizure of the properties does not create any suspicion of commission of an offence. It is only after registration of the FIR that the respondent seized the properties.

11. The only other ground raised in the counter is that the properties are proceeds of crime. If the properties are proceeds of crime, Section 102 of Cr.P.C. / Section 106 of BNSS cannot be invoked, and the respondent ought to have invoked Section 107 of the Bharatiya Nagarik Suraksha Sanhita. It is also seen that pending the above revision, some of the movable properties, namely the cars and mobile phones, have already been returned to the petitioner.

12. This Court is of the view that the seizure of the articles is not in accordance with law and that the petitioner is entitled to return of all the documents and movable properties seized during the course of investigation, as reflected in the seizure list filed before the learned Magistrate, subject to the following conditions.

(i) The petitioner shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh Only) with two sureties each for a likesum to the satisfaction of the learned Judicial Magistrate-II, Chengalpattu; and



Crl.R.C.No.2830 of 2025

(ii) The petitioner shall not alienate the properties until further orders.

13. Accordingly, this Criminal Revision Case stands allowed.

06.02.2026

Index : Yes/No

Speaking Order/Non Speaking Order

Issue order copy by 10.02.2026

cda/tsg/ars

To

1.The Judicial Magistrate-II, Chengalpattu.

2. The Inspector of Police,
Office of the Tambaram,
Commissioner of Police,
Sholinganallur, Chennai – 119.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.R.C.No.2830 of 2025

SUNDER MOHAN, J.

cda/tsg/ars

Crl.R.C.No.2830 of 2025

(2/2)

06.02.2026