

IN THE COURT OF JUDICIAL MAGISTRATE NO.1, POONAMALLEE

PRESENT: Tmt.M.AMUDHA, B.A.,B.L(Hons),L.L.M.,
Judicial Magistrate No.1,
Poonamallee

Cr.M.P No. 1181 of 2026
Wednesday, the 8th day of July 2026

Murali Subramaniam, Age-49
S/o.Subramaniam,

...Petitioner

..Vs..

State Rep. By Sub Inspector of Police
CCB LD V Team Avadi Police Station
Crime No.133/2025
U/s.316(2), 318(4), BNS

...Respondent

This petition came up before me for final hearing on this day in the presence of Thiru.A.Egambaram and V.Dhanasekaran, Advocate for the Petitioner/Accused and the Assistant Public Prosecutor Grade-I appearing for the Respondent/Complainant and upon perusal of records and hearing the arguments of both sides, this court delivers the following:

ORDER

1. This petition is filed under section 497 r/w 503 of BNSS seeking return of property of **house key**.
2. The learned counsel for the Petitioner contended that the Petitioner/Defacto Complainant during the course of investigation in Crime No.133/2025 the Investigation Officer summoned to produce house key and the same was handed over to the IO for the purpose of Investigation. However the house keys are most important to the petitioner. The safe custody and proper maintenance of house keys are very important to the petitioner. Hence prayed for interim custody of the above house keys.
3. Notice issue to the respondent and reply filed.
4. The prosecution side strongly objected for the return of house keys since the

house where the accused was residing on rent contains articles purchased with the money defrauded from the victims. There are possibility of damage or destruction caused to the articles if the keys to the house are handed over to the petitioner. Further thereare possibility of tampering with the documents related to the case the keys are handed over to the petitioner. Also the proseuction side requires to arrest the absconding accused in this case. Hence strongly objected to return the petition mentioned property on the side of prosecution.

4. On a careful perusal of records, it is seen that the petitioner has filed the application seeking return of house keys from the custody of court to the petitioner. It is seen that the said house keys would not be required by the prosecution during trial. The petitioner side has contended that the same is very much required for proper maintenance and safe custody. The learned counsel for the petitioner contended that the petitioner was not involved in this case. He has let out the premise to the tenant Arivu nambi who is arrayed as accused in this case. As per the prosecution case, the accused has promised to let out house belonging to the petitioner for lease the complainant and cheated the lease money of the complainant by wrongfully representing the complainant that the accused was the owner of the property. The prosecution has siezed the house keys belonging to the petitioner/owner. This has caused revenue loss to the petitioner and dilapidation of premises without proper maintenance. The petitioner has no objection to sieze any of the properties belonging to the accused if it is within his house premise. The prosecution side also contended that if the inventory prepared on the prosecution is untouched there is no objection to return the house keys. As there is no reasonable jurisdiction regarding the power of the police to lock the premises belonging to 3rd party/owner, this court is inclined to grant custody of the said seized keys towards interim custody to the petitioner on conditions that.

1. The petitioner shall execute personal bonds for a sum of Rs.10,000/- each with 2 local sureties for the like sum each.
2. The Petitioner shall file an affidavit of undertaking stating that he will produce the said case property at the time of trial and as and when required by

the court.

3. The keys shall be produced before the court at the trial stage for marking the same in evidence if required.

4. The petitioner shall undertake that the inventory prepared by the prosecution side shall not be utilised, altered or tampered in any manner.

5. The Head clerk of this court is directed to prepare panchanama before handing over the property, for the interim custody of the petitioner. The panchanama shall contain details of the property, the owner of the property, and the case details. The said panchanama shall be drawn up by the officer of the court in the presence of two independent witnesses.

6. In result, this petition is allowed.

Pronounced by me in open Court on this 8th day of July 2026.

Judicial Magistrate No.I,

Poonamallee.