

**IN THE COURT OF THE JUDICIAL MAGISTRATE-III AT
PUDUCHERRY**

**PRESENT: Thiru. M. RAJAKUMARESAN., B.Com. L.L.B.,
JUDICIAL MAGISTRATE No-III,
PUDUCHERRY.**

Monday, the 07th day of November, 2022

Cr.M.P. No.9153/2022

Sivabalan ... Petitioner

Vs.

State rep. by SHO
Villianur Police Station
Pondicherry

... Respondent

1. Udhayakumar
2. Kalaivani
3. Dhayalan

... Proposed Accused persons

This case coming before this court for final hearing on 07.11.2022 in the presence of learned counsel M/s. A. Patchiyappan, counsel for the petitioner and having heard the counsel for the petitioner, this court doth the following:

ORDER

This petition has been filed by the petitioner under section 156 (3) of Cr.P.C.

2. The case of the petitioner as stated in the petition:

The case of the petitioner is that he is the registered owner of his car bearing Reg.No. PY 01 BV 9801. The proposed accused persons 1 & 2 had requested the petitioner to lend his car for them to go to Chennai on an emergency work. Believing their words the petitioner had given his car to proposed accused 1 & 2. Whereas even after several days the proposed accused 1 & 2 did not return back the petitioner's car. On 21.02.2022, the petitioner had gone to Chennai and on his way he found that his car was parked near Tindivanam to Chennai by-pass road. The petitioner enquired with the person who was possessing his car and came to know that he is proposed accused No.3. The petitioner further came to know that the proposed accused No.1 had mortgaged the petitioner's car with the proposed accused No.3 for a sum of Rs.12,00,000/-. Immediately, the petitioner had lodged a complaint before the Villianur Police on 09.04.2022. But no action was taken. Hence the same was reported to the Superintendent of Police. Even then no action was taken. Hence this petition under section 156 (3).

3. The counsel for the petitioner argued that the proposed accused persons have colluded together and have taken away the petitioner's car and hence a cognizance offence has been made out. Upon perusal of the pleadings, this court finds that a prima facie cognizable offence has been made out and the provisions of 154 (3) has been exhausted. Hence this court is inclined to direct the Villianur Police to register FIR and investigate the matter against the proposed accused persons and file report. Accordingly this Cr.M.P. is allowed.

4. In the result, this petition is allowed.

Dictated to the Stenographer typed by her in computer, corrected and pronounced by me in the Open Court on this the 07th day of November, 2022.

(Sd/-)

(M. RAJAKUMARESAN)
JUDICIAL MAGISTRATE -III
PUDUCHERRY