

IN THE COURT OF JUDICIAL MAGISTRATE NO.I AT PERAMBALUR

Present: Tmt. V.C.Thaarini, B.A., B.L.(Hons), M.L.,
Judicial Magistrate No.I,
Perambalur.

Thursday, 4th day of June 2026

Cr.M.P No.249/2026
(CNR.No.TNPB02-000621-2026)
&
Cr.M.P No.353/2026
(CNR.No.TNPB02-000854-2026)
In
Cr.No.38/2025

Sivakumar
S/o.Maruthapillai
Cr.M.P No.249/2026

... Petitioner/Owner of the vehicle

Vs.

State of Tamilnadu,
Rep. by Inspector of Police,
District Crime Branch,
Perambalur.
Cr.No.38/2025

... Respondent/Complainant
&

Nagarajan, (44/2026)
S/o.Muthusamy
Cr.M.P No.353/2026

... Intervener/Defacto Complainant

These petitions came up before me on 03.06.2026 for inquiry in the presence of Thiru.R.Nayagan, Learned Advocate appearing for Petitioner and Learned APP Gr-I appearing for State and Thiru.C.Karuppaiah, Learned Advocate appearing for Intervener and upon hearing both side arguments, perusal of the materials available on record and having stood over for consideration till this day, this Court delivers the following,

COMMON ORDER

1. The application for return of property in CrI.M.P.No.249 of 2026, filed under Section 497 of BNSS has been filed by the owner of the vehicle in Crime No.38 of 2025 under Sections 318(2), 318(4), 296(b) and 351(3) of BNS, on the file of the respondent police. The case of the prosecution is that the accused persons cheated the de-facto complainant by obtaining a huge sums of money from him and enriched themselves, without repayment.

2. According to the counsel for the petitioner, the property which is a Car Model KIA SONET bearing Reg.No.TN 46 AD 3573 belongs to the petitioner, the balance of convenience overwhelmingly favours the petitioner and the petitioner will suffer irreversible loss if custody is refused. The prosecution strongly objected to the return the property to the petitioner by stating that the investigation is not over and that if the property is returned to the petitioner, there are many chances to replace or sell the property. The de-facto complainant filed a petition in CrI.M.P.No.353 of 2026, objecting to return the property to the petitioner. Written arguments and counter objections filed. Considered.

3. Heard and records perused. On perusal of records, it is seen that the above said property is in the safe custody of District Crime Branch, Perambalur in Cr.No.38/2025 and it is received by this court in CP. No.78 of 2026. It is not known if the property was bought from the money alleged to be cheated. The investigation of this case is not complete as yet. Hence this Court is not inclined to entertain this petition for interim custody at this juncture.

In the result, the petition in Crl.M.P.No.249 of 2026 stands dismissed and the petition in Crl.M.P.No.353 of 2026 stands allowed.

Dictated to Steno-Typist and typed by him in court computer and after taking print out and after carrying out corrections wherever necessary and pronounced by me on 4th day of June 2026.

Judicial Magistrate No.I
Perambalur.