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2025:PHHC:026862



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M-17678-2024
DECIDED ON: 20.02.2025**

SANDEEP

.....PETITIONER

VERSUS

MAHABIR AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sourbh Sheoran, Advocate
for the petitioner.

Mr. Sunil Hooda, Advocate for respondent No.1.

Mr. Baljinder Singh Virk, Sr. DAG Haryana

SANDEEP MOUDGIL, J

The jurisdiction of this Court has been invoked under Section 482 Cr.P.C., for quashing of impugned order dated 02.11.2023 (Annexure P-4) passed by Ld. Additional Chief Judicial Magistrate, Charkhi Dadri, where by application moved by the respondent for release of vehicle bearing No.HR-26DX-1681 on superdari has been allowed and the order dated 16.01.2024 (Annexure P-6) passed by learned Additional Sessions Judge, Charkhi Dadri, whereby the revision petition filed by the petitioner against the order dated 02.11.2023 (Annexure P-4), has been dismissed.

Learned counsel for the petitioner contends that the petitioner had purchased the vehicle bearing registration number HR-26-DX-1681, from respondent No.1, who is the registered owner of the said vehicle vide

an agreement dated 01.02.2019 after paying an amount Rs.18,00,000/-. Vide agreement dated 01.02.2019, it was agreed that out of the total amount, an amount of Rs.50,000/- was to be paid to respondent No.1 at the time of transfer of ownership of the said vehicle and since then the petitioner is in possession of the said vehicle.

An FIR No.239 dated 12.08.2023 was registered against the petitioner at police station Dadri Sadar, District Charkhi Dadri and the said vehicle was taken into custody by the police from the possession of the petitioner.

Learned State counsel as supported the impugned order while arguing that the Lower Court has rightly given the interim custody of vehicle in question to respondent No.1 being registered owner. In case there is any dispute between the petitioner and respondent No.1 with regard to the payment the petitioner has alternate remedy to file a civil suit before the appropriate Court.

Heard.

Upon examining the record, it is evident that the Lower Court has allowed the application of respondent No. 1 for the custody of the vehicle in question, being the registered owner. The petitioner, relying upon an agreement dated 01.02.2019, asserts that he purchased the vehicle from respondent No. 1. However, it is evident from the record that the agreement was executed on 01.02.2019, the same date on which respondent No. 1 acquired the vehicle. If the petitioner had the necessary funds at the time of the purchase of the vehicle, it raises the question of why the petitioner did not purchase the vehicle in his own name. This implies that the agreement

dated 01.02.2019 is disputed, which can be redressed by the petitioner by availing alternate remedies before the appropriate forum.

In view of the discussions made hereinabove, the present petition is dismissed being devoid of any merits and the impugned orders dated 02.11.2023 (Annexure P-4) and 19.01.2024 (Annexure P-6) are upheld.

20.02.2025

Sham

**(SANDEEP MOUDGIL)
JUDGE**

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*