

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.16148 of 2015

T.Rajendran

.. Petitioner

Vs.

The Inspector of Police,
Sooramangalam Police Station,
Salem - 5, Salem District.

Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the respondent to register the complaint of the
petitioner dated 03.06.2015 and Investigate the same in accordance
with law to secure the ends of justice.

For Petitioner : Mr.K.Nagarajan

For Respondent : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

This criminal original petition has been filed to direct the
respondent to register the complaint of the petitioner dated
03.06.2015 and investigate the same in accordance with law.

2. Heard the learned counsel appearing for the petitioner and
the learned Additional Public Prosecutor appearing for the
respondent.

3. On a reading of the complaint given by the petitioner dated
03.06.2015, it is seen that this petitioner had obtained vehicle loan
from Sree Sivabaalan Motor Finance in the year 2011.

4. According to the petitioner, he has paid the entire dues in
spite of which, his lorry has been taken away by some unknown
persons. The Hon'ble Supreme Court has held in 2013 (1) SCC 400 (Anup
Sarmah V. Bhola Nath Sharma) that in the matter relating to hire
purchase agreement, the Financier will be entitled to re-posses the
lorry and no criminal case for an offence under Section 420 I.P.C can
be filed against the Financier.

5. Under such circumstances, no positive direction can be issued to the petitioner by this Court to the respondent police to register a case against the Financier. However, the respondent police is directed to conduct an enquiry in CSR No.294 of 2015 and if it is found that a totally different person other than the agents and servants of Sree Sivabaalan Motor Finance Company had taken the lorry, then, appropriate action may be initiated against them. If the said Sivabaalan Motor Finance had taken the lorry for dues of money, then, no criminal action need to be taken against the Finance Company.

With the above direction, the criminal original petition is closed.

-s/d-

Assistant Registrar (Records)
dt:12/10/2015

True Copy

Sub-Assistant Registrar

sms
To

1. The Inspector of Police,
Sooramangalam Police Station,
Salem - 5, Salem District.
2. The Public Prosecutor,
High Court, Madras.

+1 cc to M/S.K.Nagarajan, Advocate sr.51188

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rsk(co)
aa13/10/2015