

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.25941 of 2015

Khivraj Motors Pvt. Ltd.,
represented by its
Assistant General Manager,
Chandrakanth
Son of Palani
No.623, Anna Salai,
Chennai-600 006

...Petitioner

Vs

State rep. By
The Inspector of Police,
J-3, Guindy Police Station,
Chennai.

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C.
to direct the respondent to register a case on the basis of the
complaint dated 13.04.2015 by the petitioner, investigate and
file a final report under section 173 Cr.P.C.

For Petitioner : Mr.A.Thirumaran

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

O R D E R

The present petition has been filed seeking a direction to
the respondent to register a case on the basis of the
complaint dated 13.04.2015 lodged by the petitioner, investigate
and file a final report under section 173 Cr.P.C.

2. In the affidavit, it is stated by the petitioner
that he is the authorized dealer for Maruti Suzuki Cars in
Chennai; that the David, the Chief Executive Officer of India
Financial Services approached the petitioner and informed that
his company is looking for customers to advance car loan; that
based on the assurance given by the said David, several
customers of the petitioner who intend to get car loan
approached the said finance Company and paid the margin money
and EMIs and other incidental charges for getting loan to get

delivery of the car from the petitioner; that subsequently, after receiving initial payment to the tune of Rs.30 lakhs, the said Finance Company could not arrange for funds to enable the customers to buy car from the petitioner's Company; that to protect the interest of the customers and to assist them in getting back their money paid to the Finance company, a complaint was lodged by the petitioner on 13.04.2015. Since no action was taken by the respondent police, the petitioner has come forward with this petition seeking the above said relief.

3. When the matter is taken up for consideration, learned Additional Public Prosecutor submitted that for the complaint lodged by the petitioner, C.S.R.No.414/2015 was assigned and enquiry is in progress.

4. Considering the submissions made on either side, this Court directs the respondent to conduct an enquiry on the complaint dated 13.04.2015 lodged by the petitioner. If the materials gathered indicates commission of any cognizable offence, the respondent police is directed to register the complaint and proceed further in accordance with law and file a final report, as early as possible, preferably within a period of six months from the date of receipt of a copy of this order.

6. This criminal original petition is disposed of accordingly.

vsi

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
J-3, Guindy Police Station,
Chennai.

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.Rameshkumar Chopra Advocate SR 61042

(co)
prk20/11

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