

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29158 of 2015

Kumarasamy

... Petitioner

Vs

The State rep.by
The Inspector of Police,
Cheyyur Police Station,
Cheyyur, Kancheepuram District

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent to register a case on a complaint given by the petitioner dated 06.11.2015 against 1. Sekar, 2. Murugan, 3. Mohamed Jameel and investigate in accordance with law.

For Petitioner : Mr.T.R.Ravi

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

O R D E R

This petition has been filed to direct the respondent to register a case on the complaint given by the petitioner dated 06.11.2015 against 1. Sekar, 2. Murugan, 3. Mohamed Jameel and investigate in accordance with law.

2. The case of the petitioner is that the petitioner purchased a vehicle bearing No.TN-21-AY-9839- Paddy harvesting machine from one Sekar for a sum of Rs.6,75,000/-. Initially, and a sum of Rs.1,25,000/-was given to the said Sekar in advance. As there is a Hire Purchase Agreement, the petitioner paid Rs.2,20,000/- with Sree Ram Finance as a final settlement and it was agreed by the said Sekar, the owner of the vehicle and Mohamed Jameel, Manager of Sree Ram Finance Company to transfer the name in the name of the petitioner and the remaining balance amount would be paid by the petitioner to the Finance Company as Hire purchase agreement will be changed in his name. But both Sekar and Mohamed Jameel, colluded with each other and created a forged documents and changed the ownership of the vehicle in the name of one Murugan and cheated the

petitioner. Hence, the petitioner gave a complaint on 6.11.2015. Since no action was taken, the present petition has been filed.

3. Learned Additional Public Prosecutor submitted that the matter is civil in nature as the dispute between the parties arise out of hire purchase agreement. Thus, he opposed this petition.

4. Learned counsel for the petitioner denies the same and submitted that there is an element of cheating on the part of the counter petitioners.

5. Considering the submissions made on either side, this Court directs the respondent police to conduct an enquiry on the complaint of the petitioner and upon enquiry, if the materials are gathered indicating any cognizable offence, he is directed to proceed further in accordance with law as early as possible. In the course of enquiry, if no prima facie is made out or the matter is civil in nature, he is directed to pass appropriate orders on the complaint made by the petitioner.

6. The criminal original petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vsi

To

1. The Inspector of Police,
Cheyyur Police Station,
Cheyyur, Kancheepuram District

2. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.T.R. Ravi, Advocate SR.66007

Cr1.O.P.No.29158 of 2015

GR(CO)
EU 06.1.16