

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

CRIMINAL PETITION No.37 of 2013

ORDER:

Accused Nos.1 and 2 in C.C.No.204 of 2012 filed this petition for quashing the said C.C.No.204 of 2012 on the file of Judicial First Class Magistrate, Gooty, Ananthapur District.

The 2nd respondent herein is the defacto complainant. He appears to have entered into an arrangement for securing financial assistance with one IKF Finance Limited. A Hire purchase agreement concerning the transport vehicle has been entered into. It appears after payment of few monthly equated instalments, the 2nd respondent appears to have defaulted in payment. It appears on 03.07.2012 the 2nd respondent has remitted an amount of Rs.35,000/- that was adjusted as Rs.26,440/- towards the instalment due and Rs.8,560/- towards the default interest, it appears. While so, on 06.07.2012, the accused intercepted the motor vehicle bearing No.AP 02 TA 5292 at Gooty in Ananthapur District while it was carrying commercial freight to be delivered at Ranipet. It is alleged against the petitioner herein that they have unloaded the commercial freight from the vehicle in question and then seized possession of the vehicle abruptly. Hence, the complaint has been lodged with the police at Gooty, which is registered as FIR No.121 of 2012 on 25.07.2012.

Assuming that a hirer of a vehicle has committed default in payment of equated monthly instalment, the vehicle in question cannot be repossessed without taking recourse to law. It appears the 2nd respondent appears to have paid a sum of Rs.35,000/- on 03.07.2012 from out of which amount nearly Rs.9,000/- has been adjusted towards penal interest and the balance approximately Rs.26,000/- has been given credit as against equated monthly instalment of Rs.27,360/-. Thus, the default if any in tendering payment is less than Rs.1,000/-.

Therefore, a prima-facie case is made out against the accused and I do not see any warrant for quashing the F.I.R. Hence, it is dismissed. No costs.

The miscellaneous applications, if any shall also stand dismissed.

JUSTICE NOOTY RAMAMOHANA RAO

08.06.2015

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