

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.OP.No.10324 of 2011
and MP.No.1 of 2011

Ashok Leyland Finance Ltd.,
(Now known as IndusInd Bank Ltd.),
Represented by its Executive Legal Mr.Marimuthu,
Nos.34 & 35, GN Chetty Road,
T.Nagar, Chennai - 600 017. ... Petitioner

Vs

1.State of Tamil Nadu,
Represented by Inspector of Police,
B-1, Town Police Station,
Thiruvallur.

2.Ramkumar ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records relating to FIR No.177/2011 on the file of the 1st respondent namely B-1, Town Police Station, Thiruvallur and quash the same.

For Petitioner : Mr.K.Moorthy
For Respondents : Mr.C.Emalias [for R1]
Additional Public Prosecutor
Mr.K.Thilageswaran [for R2]

ORDER

This Criminal Original Petition has been praying to quash the FIR in Crime No.177 of 2011 on the file of the 1st respondent police.

2. The respondent police have registered a case in Crime No.177 of 2011 for the offences under Sections 379 and 420 IPC against Ashok Leyland Finance, challenging which, Ashok Leyland Finance is before this Court for quashing the FIR.

3. On a reading of the complaint which forms the basis of the FIR, it is seen that the complainant had obtained a vehicle loan for purchase of a two wheeler TVS Centra Motor Cycle bearing Registration No.TN20M-4243 and that on 12.02.2007, the vehicle was seized by the officials of the Ashok Leyland Finance for non-payment of dues. For this incident, it is stated that an FIR in Crime No.70 of 2007 was

registered on 12.02.2007 under Section 379 IPC by the respondent police. It is further alleged in the complaint that subsequently his vehicle has been sold by the financier to one Gunasekaran without his knowledge. Therefore, the present case has been registered against the Ashok Leyland Finance as afore stated.

4. In the considered opinion of this Court, the present FIR is a clear abuse of process of law in the light of the judgment of Supreme Court in Charanjit Singh Chadha and Others Vs. Sudhir Mehra [(2001) 7 SCC 417], wherein the Supreme Court has held that the financier has got the right to repossess the vehicle for default in payment of dues and also to bring the same to sale.

5. In the result, the petition is allowed and the FIR is Crime No.177 of 2011 is hereby quashed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To:

1. The Inspector of Police,
B-1, Town Police Station,
Thiruvallur.

2. The Public Prosecutor
High Court, Madras. सत्यमेव जयते

+1cc to Ms.K.Moorthy, Advocate SR.61863

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sm[co]
srg 23/11/2016