

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P. No.20798 of 2016

&

WMP.No.17830 of 2016

P.S.Manian

Petitioner

Vs

1.The Superintendent of Police
Kancheepuram District
Kancheepuram.

2.The Inspector of Police
Maduranthagam Police Station
Kancheepuram District.

3.M/s Cholamandalam Investment & Finance Ltd.
No.2, NSC Bose Road
Chennai 600 001.

Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing respondents 1 and 2 to register a case against the third respondent for employing recovery agents to seize the petitioner's lorry bearing Reg.No.TN 22 CB 6269 on 24.05.2016.

For petitioner : Mr.C.K.M.Appaji
For R1 and R2 : Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

This petition has been filed to issue a writ of mandamus directing the respondents 1 and 2 to register a case against the third respondent for employing recovery agents to seize the petitioner's lorry bearing Reg.No.TN 22 CB 6269 on 24.05.2016.

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

3. It is seen that this petitioner obtained vehicle loan from the third respondent and committed default in payment of dues, on account of which the vehicle has been seized in terms of the contract of loan. The Hon'ble Supreme Court in Anup Sharma v. Bhola Nath Sharma [2013(1) SCC 400] has held that in a case of this nature, no criminal action can be initiated against a financier.

Recording the same, this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst.

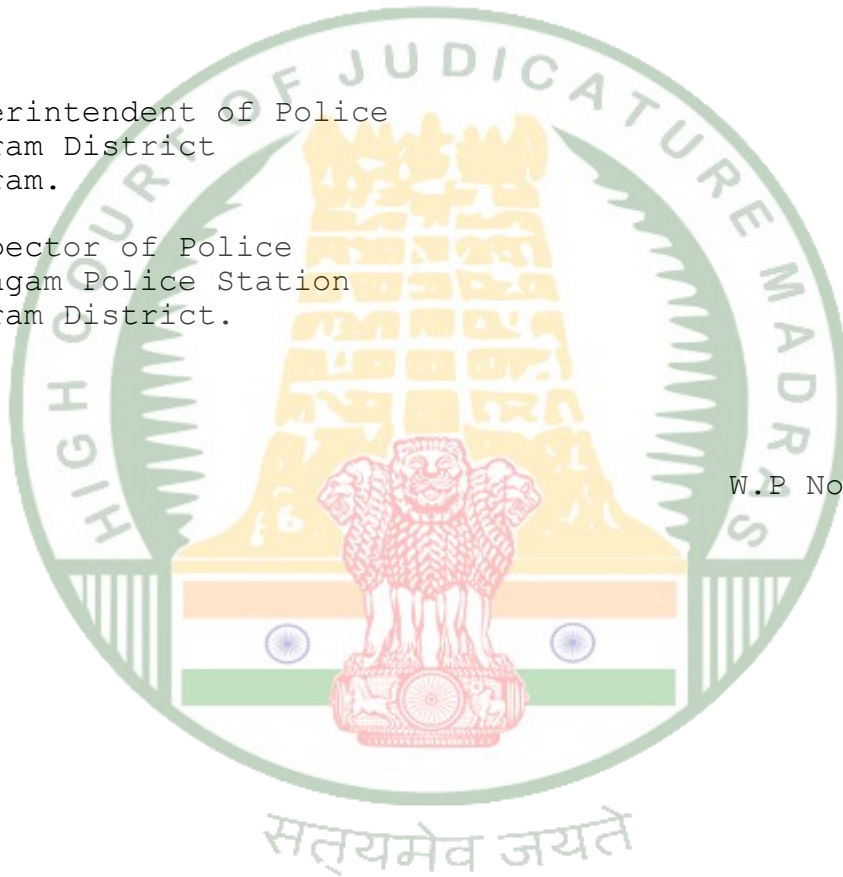
Registrar
To

1.The Superintendent of Police
Kancheepuram District
Kancheepuram.

2.The Inspector of Police
Maduranthagam Police Station
Kancheepuram District.

rj(co)
krd 14/7

W.P No.20798 of 2016



WEB COPY