

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cr1.O.P.No.5802 of 2016

Indiabulls Housing Finance Ltd.,
rep. By its Assistant Collection Manager
Mr.M.Pichaimani
No.6/9, Demontee Street,
Santhome, Chennai - 4

... Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai
Vepery, Chennai - 7

2. The Sub-Inspector of Police,
EDF -II, Team IV,
Central Crime Branch,
Vepery, Chennai - 600 007

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register and investigate the complaint dated 20.11.2015 against P.L.P.Vignesh and P.L.P.Jagan.

For Petitioner : Mr.C.Selvakumar

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The petitioner has come forward with this petition seeking for a direction to the 2nd respondent to register a case on the basis of the petitioner's complaint dated 20.11.2015 and investigate the same.

2. The learned counsel for the petitioner submits that the proposed accused, namely, P.L.P.Vignesh, Proprietor of M/s Tarun Logistics and his brother, namely, P.L.P.Jagan have purchased 10 volvo vehicles as per Hypothecation Agreement entered between the petitioner and the proposed accused. After purchase of the said vehicles, the proposed accused have not repaid the amount. Further the said accused have given a

cheque and when the petitioner has presented the same for encashment, it was returned as "payment stopped by the Drawer". Thereafter, the petitioner gave a complaint stating that the vehicles have been dismantled and the respondent has assigned CSR No.2980 of 2015 and without conducting enquiry the same was closed. Hence the petitioner has come forward with this petition.

3. Resisting the same, the learned Additional Public Prosecutor submits that the petition enquiry in CSR No.2980 of 2015 has been conducted and it was closed as "civil in nature" on 27.01.2016 and hence nothing survives in this petition and prays for dismissal of the petition.

4. Considering the rival submissions made on either side and upon perusal of the typed set of papers at Page no.1, it is seen that there is a Loan cum Hypothecation Agreement entered into between the proposed accused and the petitioner and because of their non-payment, a complaint has been given. After due enquiry, the petition has been closed and closure report has been furnished. The learned Additional Public Prosecutor would draw the attention of this Court to the Loan cum Hypothecation Agreement dated 30.09.2011 entered into between the petitioner and the proposed accused wherein in various clauses, the consequence of default of payment on purchase of a vehicle has been given in detail and in view of the same, the petitioner ought to approach the appropriate forum. But without doing so, the petitioner has come forward with this petition.

5. Recording the submission of the learned Additional Public Prosecutor that petition enquiry is conducted and closed as "Civil in Nature" and a closure report has also been served on the petitioner in this regard, the petitioner is directed to work out his remedy before the appropriate forum in the manner known to law. Hence this Criminal Original Petition deserves to be dismissed and accordingly the same is dismissed.

In the result, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

ssd
To

1. The Commissioner of Police,
Greater Chennai

Vepery, Chennai - 7

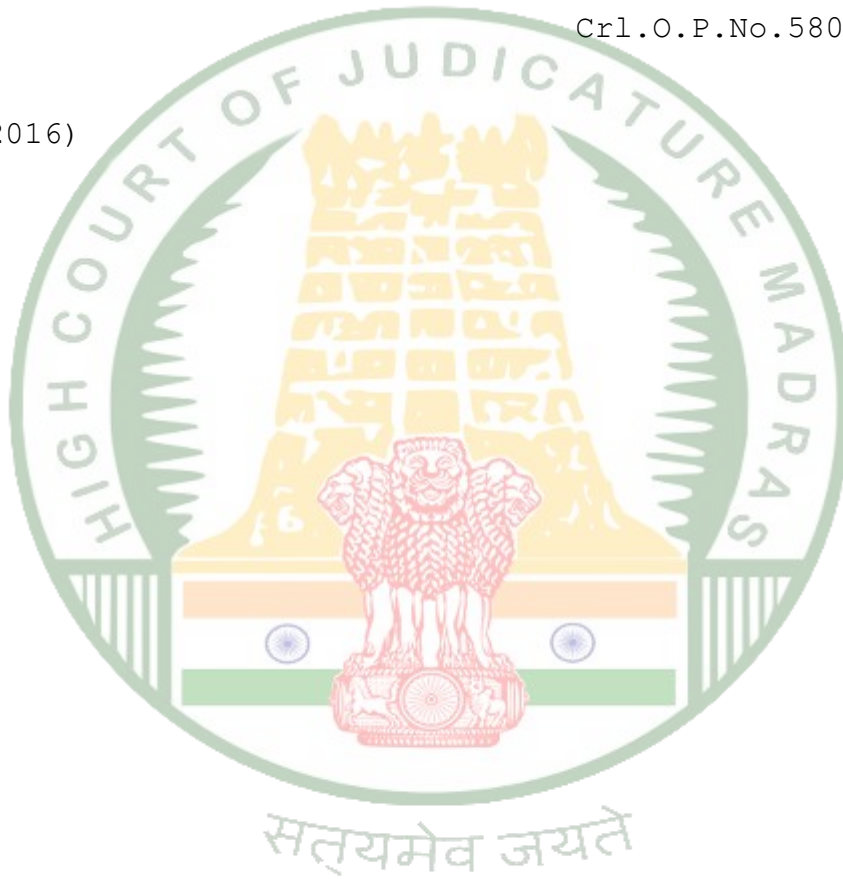
2. The Sub-Inspector of Police,
EDF -II, Team IV,
Central Crime Branch,
Vepery, Chennai - 600 007

3. The Additional Public Prosecutor
High Court, Chennai.

+1cc to Mr.C.Selvakumar, Advocate, S.R.No.17081

Cr1.O.P.No.5802 of 2016

NR(CO)
CA(30/03/2016)



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