



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2016

CORAM:

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THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.O.P.(MD) No.2361 of 2016

S.Senthil

... Petitioner

vs.

The State rep.by

1.The Commissioner of Police
Madurai City

2.The Inspector of Police
Karimedu Police Station
Peraiyur Taluk
Madurai District

... Respondents

PRAYER: This petition is filed under Section 482 Cr.P.C., to direct the second respondent herein to register the complaint given by the petitioner, dated 17.12.2015, and take necessary action within the time stipulated.

For Petitioner : Mr.A.S.Rajeswari

For Respondents : Mr.K.V.Rajaraman, G.A. (CrI.Side)

O R D E R

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, seeking direction upon the second respondent to register a case, based on his complaint, dated 17.12.2015.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondents.

3. On reading of the complaint, dated 17.12.2015, it is seen that the financier, namely, Sriam Finance had seized the petitioner's two wheeler bearing registration No.TN42 H0084, which was purchased under hire purchase agreement. As per the dictum of the Hon'ble Supreme Court, in *Charanjit Singh Chadha and others v. Sudhir Mehra*, reported in (2001) 7 SCC 417, recovery of possession of services, by financier-owner, as per the terms of the hire purchase agreement, does not amount to a criminal offence. Under such circumstances, no positive direction can be given to the



respondent Police to register a case. Accordingly, this criminal original petition is dismissed.

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/True Copy/

Sd/-

Assistant Registrar(Crl.Side)

Sub-Assistant Registrar

To

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Karimedu Police Station,
Peraliyur Taluk, Madurai District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mrs.A.S.Rajeswari, Advocate, SR.No.7999

krk

RL/5C/GSV/AN/25/2/2016

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10/02/2016