



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.08.2017

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

Crl.O.P.(MD) No.11275 of 2017

M/s.Sundaram Finance Limited,
Thirunagar Branch,
Madurai,
Represented by its
Manager [Legal].

... Petitioner

-Vs-

The Inspector of Police,
E5, Koodakovil Police Station,
Thirumangalam Taluk,
Madurai District.

... Respondent

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records and quash the Summon dated 16.08.2017 issued by the respondent to the petitioner.

For Petitioner : Mr.Pon Senthil Kumaran
For Respondent : Mr.K.Anbarasan,
Government Advocate(Crl. side).

O R D E R

This Criminal Original Petition has been filed to quash the Summon dated 16.08.2017 issued by the respondent to the petitioner.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondent.

3.The learned counsel for the petitioner stated that the petitioner is a Financier and that has advanced loan for the vehicle bearing number TN 59 AL 4087. He submitted that in the summon, the vehicle that was referred to, is not the vehicle that was referred to in the FIR. It was further stated that the summon issued to the petitioner is not proper. He further stated that, he is only the Financier and he did not know whether the vehicle was involved in any crime. In this petition, that was filed by him before this Court, the petitioner has stated about the wrong identity of the vehicle but not about its involvement in the crime.



4.The learned Government Advocate, on instructions, submitted that the petitioner may be directed to produce the vehicle and that the respondent police after holding an enquiry, will release the vehicle, if the petitioner's vehicle is not involved in the crime. Hence, this Court is of the view that it is not necessary to quash the summon dated 16.08.2017, as it is premature to decide the identity of the vehicle, whether the vehicle is involved in the crime or not.

5.This Court directs the respondent to hold a preliminary enquiry as to the involvement of the vehicle that was repossessed by the petitioner on 12.07.2017, in the crime that was registered and do the needful within a period of two weeks from the date of receipt of a copy of this order.

6.With the above directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To

The Inspector of Police,
E5, Koodakovil Police Station,
Thirumangalam Taluk,
Madurai District.

+1cc to Mr.S.PONSENTHILKUMARAN, Advocate, SR.74841

CMR/DSS

KK/MR KKR/SAR 2/30.08.2017/ 2P- 3C

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