



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD) No.8096 of 2017

V.Dhas

: Petitioner

-Vs-

1. The State of Tamil Nadu,
Rep. by the Superintendent of Police,
Kanyakumari District at Nagercoil.

2. The Inspector of Police,
Rajakapamangalam Police Station,
Kanyakumari District.
(Crime No.64 of 2017).

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to pass appropriate orders directing the first respondent to transfer the investigation of the case in Crime No.64 of 2017 on the file of the second respondent to some other investigating agency, who is competent to deal with the matter.

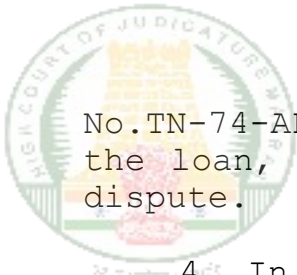
For Petitioner : Mr.C.K.M.Appaji
For Respondents : Mr.K.Anbarasan,
Government Advocate (Crl.side)

O R D E R

On the complaint lodged by the petitioner, the respondent police have registered a case in Crime No.64 of 2017 on 23.03.2017 under Sections 147, 362, 294(b), 323 and 506(i) of the Indian Penal Code against Suresh and Dheepika. Not satisfied with the progress of investigation, the *defacto* complainant has filed the present petition for transfer of investigation.

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

3. On a reading of the First Information Report, it appears that the dispute was essentially between the petitioner and the vehicle recovery agents of Cholamandalam Finance. It is seen that the petitioner had obtained a vehicle loan from Cholamandalam Finance and had purchased a mini carriage auto bearing Registration



No.TN-74-AF-0685. Since the petitioner had defaulted in repayment of the loan, the said vehicle was seized by the Financier. Hence, the dispute.

4. In the considered opinion of this Court, the Financier has got a right to re-possess the vehicle under the contract of finance, if any default is committed by the borrower.

5. Taking into consideration the nature of the allegations in the First Information Report, this Court is of the view that this is not a fit case to transfer the investigation to any other Agency. It would suffice, if the Deputy Superintendent of Police, Kanyakumari, is directed to monitor the investigation.

6. In the result, this Criminal Original Petition is closed with a direction to the Inspector of Police, Rajakapamangalam Police Station to expeditiously complete the investigation in Crime No.64 of 2017 and either file a closure report or a charge sheet, as the case may be under due intimation to the *defacto* complainant. The Deputy Superintendent of Police, Kanyakumari, is directed to monitor the investigation that is being conducted by the Inspector of Police in Crime No.64 of 2017.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
State of Tamil Nadu,
Kanyakumari District at Nagercoil.
2. The Inspector of Police,
Rajakapamangalam Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

SML

TE/MR-KKR/SAR-III : 10/07/2017 : 2P/4C

Order made in
CRL.O.P. (MD) No.8096 of 2017
Dated: 29.06.2017