



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.[MD].No.633 of 2017
and
C.M.P(MD).Nos.5259 and 5260 of 2017

Y.Sasikala : Appellant/Petitioner

Vs.

1.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai.

2.The Branch Manager,
Kotak Mahindra Prime Ltd.,
1-A, West Perumal Maistry Street,
Madurai.

: Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 12.06.2017 made in W.P.(MD).No.10107 of 2017, on the file of this Court.

Prayer in WP(MD)No.10107/2017:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus direct the 1st respondent to registered a FIR against the 2nd respondent and others and thus render justice.

For Appellant : Mr.R.Ramasamy

For Respondent No.1 : Mr.V.Muruganantham
Additional Government Pleader

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.R.Ramasamy, learned counsel appearing for the
appellant and Mr.V.Muruganantham, learned Additional Government
Pleader appearing for the first respondent.



2. This Writ Appeal is directed against the order dated 12.06.2017 made in W.P.(MD).No.10107 of 2017. In the said Writ Petition, the appellant herein sought for a direction upon the first respondent to register FIR against the second respondent, which is the Branch Manager of Kotak Mahindra Prime Limited. The admitted case of the appellant is that she has availed car loan and she was a defaulter and the appellant appears to be aggrieved by the manner, in which the vehicle was re-possessed. The Writ Court, taking note of the decision in the case of Sugesan Transport Private Limited, Vs. The Assistant Commissioner of Police, reported in 2016 (2) CTC 286, held that the Writ Petition is not maintainable and also the Writ Court has recorded the submissions of the learned Additional Government Pleader that the complaint given by the husband of the appellant in CSR No.117 of 2017 was enquired into and the same has been closed. Therefore, if the appellant is still aggrieved, then, there are other remedies available to the appellant under the provisions of the Code of Criminal Procedure and for which purpose, the Writ Petition cannot be entertained. Therefore, the order passed by the Writ Court calls for no interference. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub-Assistant Registrar

To

The Inspector of Police,
Thilagar Thidal Police Station,
Madurai.

+One cc to The Special Government Pleader, SR.No.60805

NB

RL/3C/2P/KKR/SAR4/28/6/2017

JUDGMENT MADE IN

W.A.[MD].No.633 of 2017