

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.22129 of 2018

R.Munusamy

... Petitioner

Vs.

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

2. The Sub Inspector of Police,
Mel Chengam Police Station,
Mel Chengam,
Thiruvannamalai District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents police to register the petitioner's complaints dated 05.04.2017 and 08.01.2018.

For Petitioner : Mr.A.Rajesh kanna

For Respondents : Mr.C.Raghavan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the second respondent to register a case and based on the complaint given by the petitioner dated 05.04.2017.

2. The learned counsel for the petitioner has submitted that the petitioner has purchased a tractor bearing Registration No.TN 25 AF 2912 by availing loan from Cholamandalam Investment and Finance Company Limited and the petitioner has repaid 13 EMIs and only 3 EMIs have to be paid. He further submitted that the said Cholamandalam Investment and Finance Company Limited without issuing any notice to the petitioner, has taken away the tractor on 18.02.2017. Hence, the complaint was sent to the first respondent on 05.04.2017 and the same was forwarded to the second respondent, but, subsequently the second respondent has not taken any action and hence the petitioner has sent reminder on 08.01.2018, and even thereafter no action was taken in this case.

3. The learned Government Advocate (Crl.Side) has submitted that as per the law, the petitioner is only a hirer and the said Finance Company is the owner. If any default is made in making EMI, the Finance Company as a owner is entitled to take possession of the vehicle and hence no action was taken on the said complaint.

4. Considering the aforesaid submissions, the second respondent is directed to enquire the said complaint and if the enquiry reveals any cognizable offence, then he has to register the case. In case, enquiry reveals only a civil dispute, he shall close the complaint and inform the same to the petitioner. Instead of doing so, he should not keep the said complaint indefinitely.

5. With the aforesaid observations, this petition is disposed of .

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

smv/msrm

To

1. The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

2. The Sub Inspector of Police,
Mel Chengam Police Station,
Mel Chengam,
Thiruvannamalai District.

3. The Public Prosecutor
High Court of Madras.

+1cc to Mr.A.Rajesh Kanna, Advocate, SR. No. 63790.

Crl.O.P.No.22129 of 2018

SKV(CO)
rrs (15/10/2018)