

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.22202 of 2018

R.Rajesh

... Petitioner

Vs.

The State Rep. by
The Inspector of Police,
G-5, Police Station,
Kachirapalayam - 606 207,
Villupuram District.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to take appropriate action on the complaint given by the petitioner dated 29.06.2018 by registering FIR and investigate the case in accordance with law.

For Petitioner : M/s.S.Meenakumari

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

O R D E R

This petition has been filed to direct the respondent to register a case, based on the complaint given by the petitioner dated 29.06.2018.

2. The learned counsel for the petitioner has submitted that the petitioner has purchased a Paddy Harvesting Machine (Class Harvester) Combine No.07067567) from one Mr.Rajkumar for a sum of Rs.17,20,000/- (Rupees Seventeen Lakhs and Twenty Thousand Only) by raising a loan from Shriram Finance Limited. She further submitted that now one Sundaram Finance is trying to seize the said machine by saying that the petitioner's vendor has already hypothecated the said machine with the Sundaram Finance. She further submitted that since the said machine is not a motor vehicle, it is not having any Registration Certificate and only based on the original invoice produced by the said Rajkumar, the petitioner has purchased the said machine and in the said invoice nothing has been mentioned about the hypothecation of the said machine to Sundaram Finance. She further submitted

that the petitioner's vendor namely, Rajkumar has cheated the petitioner and sold the said machine without disclosing the earlier hypothecation. Hence, the petitioner has lodged a complaint to the respondent on 29.06.2018 to take action against the said Rajkumar, but so far no action has been taken.

3. The learned Government Advocate (Crl.Side) has submitted that since the petitioner has not produced any Registration Certificate, the petitioner's complaint is still pending for enquiry.

4. Admittedly the harvesting machine is not a motor vehicle and according to the petitioner the said machine is not having any Registration Certificate and only invoice was issued and on verifying the said invoice, the petitioner has purchased the said machine. Therefore, the respondent is directed to enquire the said complaint and if the enquiry reveals any cognizable offence, he has to register a case and proceed in accordance with law.

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

Sd/-

Assistant Registrar (CS ix)

//True Copy//

Sub Assistant Registrar

smv/msrm
To

1. The Inspector of Police,
G -5, Police Station,
Kachirapalayam - 606 207,
Villupuram District.

2. The Public Prosecutor
High Court of Madras.

+1cc to Mr.D.BALACHANDRAN, Advocate SR.No. 63756
(30/10/2018)

Crl.O.P.No.22202 of 2018

ASK (29/10/2018)