



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.1087 of 2018

V. Gukaloganathan

... Petitioner

-Vs-

1.The Director General of Police,
Chennai.

2.The Superintendent of Police,
Thanjavur District.

3.The Inspector of Police,
Pappanadu Police Station,
Orathanadu,
Thanjavur District.

... Respondents

Prayer: This Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to direct the 3rd respondent to register the FIR on the basis of the petitioner's complaint dated 21.11.2017.

For Petitioner : Mr. M. Periyathambi
For Respondents : Mr.Prabhu Ramachandran
Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the third respondent to register a case, based upon the complaint given by the petitioner dated 21.11.2017.

2. The learned counsel appearing for the petitioner has submitted that the petitioner's mother has purchased a Tractor under the hire purchase agreement scheme from one Magma Fincorp Limited at Trichy and thereafter, the petitioner's mother has paid seven installments, but, due to natural calamities, she could not pay the remaining installments. He further submitted that the petitioner has purchased other agricultural equipments such as Rotavator, Cultivator, Gasewheels, Tipper etc., He further contended that one Radhakrishnan, who is acting as an agent of the said Finance Company has not only taken the Tractor and also taken the equipments, which were purchased by the petitioner and hence, the petitioner has lodged a complaint before the third respondent on 21.11.2017, but,



so far, no action has been taken.

3. The learned Government Advocate (Crl. Side) appearing for the respondents has submitted that since the petitioner's mother failed to repay the hire purchase agreement installments, the finance Company has seized the said Tractor only and hence, the complaint has been closed.

4. Admittedly, the petitioner's mother has committed default in paying the installments with regard to hire purchase agreement and as such finance company being the owner, they are entitled to seize the vehicle and so, it cannot be said that the finance company has committed any offence. Insofar as other equipments are concerned, the third respondent is directed to enquire and if the enquiry reveals those equipments have taken away by the said Radhakrishnan, then, the third respondent has to register a case and proceed in accordance with law.

5. With the above observation, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
Chennai.
2. The Superintendent of Police,
Thanjavur District.
3. The Inspector of Police,
Pappanadu Police Station,
Orathanadu,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.PERIYATHAMBI, ADVOCATE IN SR No. 43791

TRP

TE/MR/SAR-3 : 07/02/2018 : 2P/6C