

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED:25.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.4957 of 2019

S.Kaniyarasan

...Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Erode.
Cr.No.14 of 2017

2.M/s.Tata Motors Finance Ltd.,
No.64/5-9, GRDI Complex,
Ground Floor, Perundurai Road,
Erode-638 011.
Rep. by Authorised Signatory

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent Police not to harass the petitioner on the complaint of the 2nd respondent and pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

For Petitioner : M/s.Ashwin Premsundar

For Respondents: Mr.M.Mohamed Riyaz (R1),
Additional Public Prosecutor.

M/s.A.L.Gandhimathi for R2.

ORDER

This petition has been filed seeking direction to the 1st respondent police not to harass the petitioner in connection with Crime No. 14 of 2017 pending on the file of Respondent Police.

2.The petitioner is the owner of the vehicle Tata Maxi Cab, bearing Registration No.TN37CK4789 dated 05.02.2015, which he purchased from one Saravanan on 30.01.2019, who had purchased the same from one Govindasamy, which were all recorded in the RC book. Subsequently, the said Saravanan had hypothecated the vehicle with M/s.Equitas Finance Pvt. Ltd on 25.03.2015 and that was also reflected in the RC book and the said loan was closed by Saravanan and the Finance company has also issued a no objection certificate for cancellation of loan. Only after

verifying all these details, the petitioner has purchased the vehicle from Saravanan for a sale consideration of Rs.7Lakhs and also spent another Rs.7 Lakhs to re-built the vehicle and he is using the vehicle for transporting goods for commercial purposes. Whiles, the petitioner received a notice dated 07.02.2019, from the 1st respondent Police asking him to handover the vehicle. Only after receiving the notice, the petitioner came to know about the order passed by this Court in CrI.O.P.No.21958 of 2018, wherein the Court has directed to seize the 23 vehicles of the 2nd respondent company and initiate appropriate proceedings against the accused persons. Hence, the petitioner has filed this present petition with the aforesaid prayer.

3.The learned counsel for the petitioner submitted that as per the directions issued by this Court, now under the guise of enquiry, the 1st respondent Police is harassing the petitioner. He further submitted that the vehicle in subject is not at all hypotheticated with the 2nd respondent.

4.The learned Additional Public Prosecutor appearing for the 1st respondent Police submitted that this Court by an order dated 11.09.2018, has directed the 1st respondent police to secure the vehicles.

5.Heard Mr.Ashwin Premasundar, the learned Counsel for the petitioner, Mr.Mohamed Riyaz, learned Additional Public Prosecutor for the 1st respondent police and Mr.A.L.Gandhimathi, learned counsel for the 2nd respondent.

6.On perusal of records, it is seen that this Court by an order dated 11.09.2018, directed the first respondent to secure the 23 vehicles, within a period of two weeks from the date of order and if there is any resistance in seizing the vehicles, appropriate action shall be taken against the concerned persons in accordance with law. Hence, this Court is not inclined to interfere with the order passed earlier. However, the 1st respondent Police is directed to conduct an enquiry and take further action.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

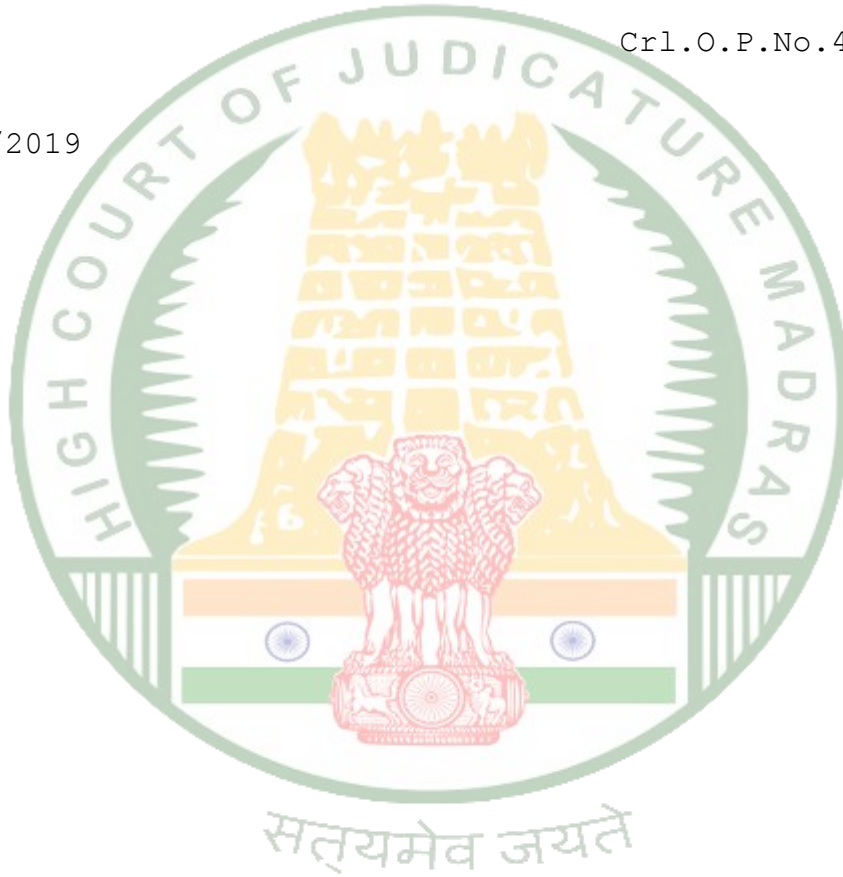
1.The Inspector of Police,
District Crime Branch,
Erode.
Cr.No.14 of 2017

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr. Ashwin Premsundar, Advocate, S.R.No.17335

Cr1.O.P.No.4957 of 2019

rrs 07/03/2019



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