



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2020

CORAM:

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

Crl.O.P. (MD).No.15381 of 2020

WEB COPY

K.Ashokkumar

....Petitioner

-Vs-

1.The Superintendent of Police
Trichirappalli District
Trichirappalli

2.State
Represented by the Inspector of Police
Manachanallur Police Station
Trichirappalli District

3.Boominathan ...Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the second respondent police not to harass the petitioner without due process of law on the basis of the petitioner's representation dated 05.12.2020.

For Petitioner	: Mr.S.Deenadhayalan
For R1 & R2	: Mr.V.Neelakandan
	Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the second respondent police not to harass the petitioner without due process of law on the basis of the petitioner's representation dated 05.12.2020.

2.The learned counsel for the petitioner would submit that the petitioner is the Managing Partner of the Metro Finance. The petitioner has sanctioned a sum of Rs.5,10,000/- to the third respondent for the purpose of purchasing a Tractor. Subsequently, the third respondent has purchased the Tractor bearing registration No.TN-16-C-4039 and the original RC Book was also handed over to the petitioner. In this circumstance, the third respondent has paid part arrears amount and assured that he would pay the remaining loan instalments shortly and after paying the installment due, he would get back the Tractor and requested the official not to take any legal action for recovery of installment due. Be that as it may, the third respondent preferred a complaint to the second respondent police stating that the petitioner's official had illegally taken



his vehicle. Based on the complaint, the second respondent police is harassing the petitioner under the guise of enquiry. Hence, the present petition.

3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that based on the complaint of the third respondent, enquiry has been initiated in CSR.No.712 of 2020 and it is pending.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2. Since no adverse order is going to be passed against the third respondent, notice to him is not necessary.

5.Admittedly, the third respondent has got loan from the petitioner for the purpose of purchasing the vehicle under Hire Purchase Agreement. Since the third respondent has failed to pay the installment due, the petitioner has seized the Tractor. Therefore, the third respondent ought to have approached the appropriate forum for his remedy. If at all any enquiry on the petitioner, the second respondent police is directed to follow the principles laid down by the Hon'ble Apex Court in ***D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610*** while enquiring the petitioner.

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

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

msa

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Superintendent of Police
Trichirappalli District
Trichirappalli



2.The Inspector of Police
Manachanallur Police Station
Trichirappalli District

3.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai

Crl.O.P. (MD) .No.15381 of 2020

22.12.2020

kmv (CO)

KK(18.01.2021) 3P 4C