



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.10.2021
CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.19679 of 2021

Vairavan

... Petitioner

Versus

1.The Commissioner of Police
Greater Chennai,
Vepery,
Chennai - 600 007.

2.The Inspector of Police,
(Crime)
V.5, Thirumangalam Police Station,
Chennai - 600 040.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an order of DIRECTION, directing the second respondent to Register Theft case against the offenders and RECOVER and RESTORE the petitioner's car INNOVA CRISTO bearing Register No.TN.02 BS 0597, by consider the representation of the petitioner dated 08.10.2021 on the file of respondents.

For Petitioners	:	Mr.R.Sankarasubbu
For Respondents	:	Mr.R.Vinothraja, Government Advocate (crl.side)

ORDER

This Criminal Original petition has been filed to direct the second respondent to register a theft case against the offenders and to recover and restore the petitioner's car bearing Register No.TN 02 BS 0597.

2. The petitioner is the owner cum driver of the Innova Cristo car bearing registration No.TN 02 BS 0597 and he had purchased the car during December 2019. For purchase of the car, he had availed financial assistance to the tune of Rs.15 lakhs from the Sundaram Finance, Pattulas Road, Chennai - 600 002 and the same has to be repaid in 12 monthly installment of Rs.35,000/-. For which, the petitioner has been paying the monthly installment of Rs.35,000/- from December 2019, without fail. Thereafter, due to the prevailing Covid - 19 situation he had lost his business and unable to pay his EMI for the last 4 months. The personnels from the Sundaram Finance came without intimating the petitioner and had removed the car on 24.09.2021, which was parked in front of his house at Anna Nagar. Thereafter, the petitioner had lodged a complainant to the Commissioner of Police and a copy to the Inspector of Police, Thirumangalam Police station. But, no action has been



taken so far. Hence the present petition.

3. The learned Government Advocate (crl.side) submitted that the petitioner had availed the vehicle loan from Sundaram Finance Private Limited. While availing the loan, he executed documents and gave an undertaking that the Financier had liberty to repossess the vehicle in case of default. As the petitioner had defaulted in making EMI, the Sundaram Finance had taken the vehicle. In view of the same, no criminal offence is made out.

4. Considering the submission and the perusal of the materials, it is seen that the petitioner had availed financial assistance and he had been making payments for 12 months without any default and only for the last 4 months due to the prevailing Covid-19 situation, the EMI could not be paid. Further, the petitioner is the owner cum driver and making his lively-hood with the said Toyota Innova Crysto car. Considering the petitioner's social and financial background and the high handedness of the Sundaram Finance while repossessing the vehicle even without intimating the petitioner, and that now the Sundaram Finance have not come forward for settlement and demanded interest, demurrage and yard charges and forcing the petitioner for settlement on their terms, without giving opportunity to the petitioner to sort out the issue.

5. In view of the above, The Assistant Commissioner of Police, Thirumangalam is directed to conduct an enquiry and take efforts to resolve the issue since the lively-hood of the petitioner is at stake.

6. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

mrp/mpl

To

1.The Commissioner of Police
Greater Chennai,
Vepery,Chennai - 600 007.

2.The Inspector of Police,
(Crime)
V.5, Thirumangalam Police Station,
Chennai - 600 040.

3. The Assistant Commissioner of Police, Thirumangalam.

4.The Public Prosecutor, High Court, Madras.

+1 cc to Mr.R.Sankarasubbu, Advocate Sr.NO. 54695

CRL.O.P.No.19679 of 2021

SPD(CO)

A.SK(26.10.2021)