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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NOS.21808, 21828 & 22175 OF 2021

M/s.Manapuram Finance Ltd.,
Represented by its Manager
Mr.M.Maniyarasan,
No.40, 1st floor, SM Complex Hospital Road,
(MK Samy Floor), Mathurantakam,
Chengalpattu - 603 306.

... Petitioner in all the Crl.O.Ps.

Versus

1. Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. Deputy Superintendent of Police,
Madurantakam sub division,
Madurantakam.
3. Inspector of Police,
Madurantakam Police Station,
Madurantakam.

...Respondents in all the Crl.O.Ps.

PRAYER: Criminal Original Petitions have been filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police to register a case on the basis of the complaint given by the petitioner dated 19.10.2021 and 21.10.2021 against the abovesaid person named in the complaint and investigate into the matter and submit a report to the Court.

For Petitioner in all : Ms.K.Sahithya
Crl.O.Ps.

For Respondents in : Mr.E.Raj Thilak
all Crl.O.Ps. Additional Public Prosecutor



COMMON ORDER

These criminal original petitions have been filed to direct the respondent police to register a case on the basis of the complaint given by the petitioner dated 19.10.2021 and 21.10.2021 against the abovesaid person named in the complaint and investigate into the matter and submit a report to the Court.

2.The grievance of the petitioner is that the petitioner finance company is extending several loans under various schemes. One of them is Hypothecation to vehicles. The petitioner is a registered Non Banking Finance Company. In course of their business, one Ranjith Kumar and his wife Shanthi had taken a vehicle loan for the Ashok Leyland vehicle bearing registration No.PY 01 CC 4699. Likewise, Velu and his wife V.Mathimala of Kancheepuram had taken a loan for Tata Tipper Lorry bearing registration Number TN 31 AV 5668 and Dhatchinamurthy and his wife Kannagi of Kancheepuram had taken a loan for Tata Tipper Lorry bearing registration No.TN 31 AV 5658. All the vehicles were under hypothecation and the relevant vehicles documents are with the complainant. Suppressing the same, in connivance with others, by creating forged documents, the vehicles have been sold to third persons. Now, the persons, who have taken loan, have not repaid EMI, further, security vehicles had been disposed of by using forged documents. All the loans have been issued by the petitioner company at Mathuranthagam. Hence, the petitioner lodged a complaint to the respondent police viz., The Inspector of the Police, Mathuranthagam, on 19.10.2021 and 21.10.2021 along with the relevant documents. The respondent police, for the reason best known, shrugged off their responsibility, stating that the vehicles are not plying within its jurisdiction and the accused are not residing within the jurisdiction of the respondent police. Hence, the complaint was not entertained and FIR was not registered.

3.The learned Additional Public Prosecutor submits that enquiry is going on and on completion of enquiry, appropriate action would be taken. Finding that the petitioner is a Non Banking Finance Company and it's business is finance and extending loan, the persons named in the complaint availed loan, thereafter, using forged documents have concealed the vehicles.

4.From the perusal of the typed set of papers and documents, prima facie offence is made out. In view of the same, the Inspector of Police, Madhuranthagam police Station, is directed to register an FIR and to take appropriate action.



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5. With the abovesaid direction, these criminal original petitions are disposed of.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Superintendent of Police,
Chengalpattu District,
Chengalpattu.
2. The Deputy Superintendent of Police,
Madurantakam sub division,
Madurantakam.
3. The Inspector of Police,
Madurantakam Police Station,
Madurantakam.
4. The Public Prosecutor,
High Court, Madras.

+3ccs to M/s.K.Sahithya, Advocate, S.R.No.62876, 62877 & 62878

CRL.O.P.Nos.21808, 21828 & 22175 of 2021

SSD (CO)

RLP (07/01/2022)