



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.11.2021

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WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD) No. 777 of 2021

N.Paramasivan

.. Petitioner

Vs.

1.The Manager,
TVS Credit Service Ltd.,
Door No.12, Pillaiyar Kovil Street,
Jothi Tower, Near West Market,
Thoothukudi.

2.The Labour,
Name not known
TVS Credit Service Ltd.,
Door No.12, Pillaiyar Kovil Street,
Jothi Tower, Near West Market,
Thoothukudi.

3.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.

.. Respondents

Prayer : This Revision Case is filed under Sections 397 r/w. Section 401 of Cr.P.C., to call for the records and to set aside the order passed in Cr.M.P.No. 4807 of 2021, dated 17.09.2021, on the file of the Judicial Magistrate No.III (FAC), Thoothukudi and to direct the third respondent police to register the F.I.R.

For Petitioner : Mr.I.Robert Chandra Kumar

For R3 : Mr.R.M.Anbunithi
Additional Public Prosecutor

ORDER

This Criminal Revision has been filed to set aside the order passed in Cr.M.P.No. 4807 of 2021, dated 17.09.2021, on the file of the Judicial Magistrate No.III (FAC), Thoothukudi and to direct the third respondent police to register an F.I.R.

2.The petitioner has filed a petition under Section 156(3) of Cr.P.C., in Cr.M.P.No.4807 of 2021, to register an F.I.R. as against the respondents 1 and 2. That petition was dismissed by the trial Court. Against which, the petitioner has preferred this Revision.



3. On the side of the revision petitioner, it is stated that the revision petitioner is a Milk Vendor, he has purchased a two wheeler by getting financial help from the respondents 1 and 2 and he has to pay Rs.2,600/- per month as E.M.I.. On 09.02.2021, the vehicle was found missing. The petitioner has filed a complaint before the police and the complaint was lodged on 10.02.2021. Later, the revision petitioner came to know that the respondents 1 and 2 took away the vehicle, stating that the payment for three E.M.I's are pending. The petitioner has filed a complaint, under Section 156(3) of Cr.P.C., against the respondents 1 and 2. The same was dismissed by the trial Court. The respondents 1 and 2 are not entitled to seize the vehicle, without sending even a notice to the petitioner, only through the Court, the respondent can seize the vehicle. The Hire Purchase Act itself was repealed in the year 2005 and the observation made by the trial Court is not sustainable.

4. Copy of the loan agreement was not filed by the revision petitioner. The revision petitioner has failed to prove that the respondents 1 and 2 are not entitled to seize the vehicle, without a Court order. Whether the seizure amounts to theft is not elicited in the petition, no document was annexed by the revision petitioner, to prove that the revision petitioner is entitled to take criminal action against the respondents.

5. In the above circumstances, there is no merit in this petition and the petition is liable to be dismissed. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Judicial Magistrate No.III (FAC),
Thoothukudi.



2.The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.

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

Crl. R.C.(MD)No.777 of 2021
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TR(29.11.2021) 3P 4C