



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.20070 of 2021

WEB COPY

Kumaresan

... Petitioner

Vs

1.State rep. by
The Superintendent of Police,
Theni District,
Theni.

2.The Inspector of Police,
Cumbum North Police Station,
Theni District.

3.The Manager,
Sundaram Finance Ltd.,
Theni,
Theni District.

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 1 and 2 to enquire as against the third respondent and thereby directing the second respondent to hand over the vehicle bearing registration No.TN 60 AV 6072 to the petitioner on the basis of the petitioner's representation dated 02.12.2021.

For Petitioner : Mr.V.Ramalingam
For R1 & R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.side)

ORDER

Heard the learned counsel appearing for the petitioner and the learned Government Advocate for R1 & R2.

2. The petitioner wants this Court to direct the second respondent to secure the petition mentioned vehicle and hand over the same to him.

3. It is seen that the petitioner had availed financial assistance from the third respondent. It appears that the petitioner had failed to pay the five consecutive installment dues. Therefore, the third respondent invoking their contractual power had seized the petition mentioned vehicle.

4. As rightly pointed out by the learned Government Advocate that this is a disputed contractual issue between the petitioner on
<https://hcservices.ecourts.gov.in/hcservices/>



the one hand and the financier on the other. The police have no role in the matter. It is for the petitioner to approach the third respondent and request for return of the vehicle for clearing the dues.

5. I am certain that if the petitioner clears the dues, the third respondent may not really be interested in retaining the vehicle. In any event, under Section 482 of Cr.P.C, It will not be open to this Court to adjudicate a contractual dispute between the financier and the hirer.

6. With this observation, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

rmi

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,
Theni District, Theni.

2.The Inspector of Police,
Cumbum North Police Station,
Theni District.

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

+1 CC to M/s.V.RAMALINGAM, Advocate (SR-39120[F] dated 16/12/2021)

Crl.O.P(MD)No.20070 of 2021
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GM(CO)

GC(19.01.2022) 2P 5C