



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14967 of 2021

G.Senthil Kumar

...Petitioner

Versus

1. The State represented by
The Commissioner of Police,
Greater Chennai Police,
EVK Sampath Road,
Vepery, Chennai - 600 007.

2. The Inspector of Police,
J-3, Guindy Police Station (Crime),
Chennai. (C.S.R.No.341 of 2021)

...Respondents

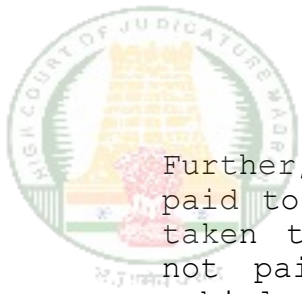
PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register the FIR based on the complaint of the petitioner dated 26.03.2021 pending in C.S.R.No.341 of 2021 on the file of the 2nd respondent police.

For Petitioner : Mr.Swamisubramanian
For Respondents: Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

This criminal original petition has been filed to direct the 2nd respondent to register the FIR based on the complaint of the petitioner dated 26.03.2021 pending in C.S.R.No.341 of 2021 on the file of the 2nd respondent police.

2.The grievance of the petitioner is that on 26.03.2021, the petitioner lodged a complaint to the Inspector of Police, Guindy. Though CSR No.341 of 2021 assigned, no action has been taken. The petitioner's relative Mohanram Srikumar posted an advertisement in OLX for sale of his Scoda Car bearing registration No.TN 85 H 3768. Thereafter, on seeing that advertisement, one Murali from Anagaputhur contacted and agreed to purchase the Car and paid an advance amount of Rs.35,000/-.



Further, he undertook that EMI for the car would be regularly paid to HDFC Bank and on that promise and understanding, he had taken the vehicle on 28.09.2019. Thereafter, the said Murali not paid the EMI to the Bank. After great difficulty, the vehicle was found in the service station of Gurudev Motors, Scoda Service Centre. The petitioner approached the Gurudev Motors Scoda service Centre, who informed the petitioner to approach the police. On receipt of the petitioner's complaint, the said Murali was called for enquiry and failed to appear. On the other hand, he filed a writ petition in W.P.No.9443 of 2021 stating that he was being unnecessarily harassed by the police. On his submission, this Court by an order dated 16.04.2021 directed the said Murali @ Muralidharan to appear before the respondent police on 26.04.2021 and offer his explanation with available documents and also prove his ownership of the Car and also to refute the allegations made by the petitioner. Though the petitioner appeared, the said Muralidharan failed to appear. Thereafter, the car yet to be handed back to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent submits that no case has been registered.

4.The learned counsel for the petitioner, on instructions, submits that the petitioner is ready and willing to appear before the respondent police on any given date and further, submits that the petitioner is now slapped with debride charges apart from the service charges.

5.In view of the same, the petitioner is directed to appear before the respondent police on 11.01.2022 along with the available documents and thereafter, steps be taken to get back the vehicle. The respondent police is directed to instruct Gurudev Motors Service Centre to hand over the vehicle to the petitioner after receipt of the service charges and other charges. The dispute between the petitioner and the Muralidharan shall be sorted out among themselves. Accordingly, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms



To

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

2. The Inspector of Police,
J-3, Guindy Police Station (Crime),
Chennai. (C.S.R.No.341 of 2021)

3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Swami Subramanian, Advocate, S.R.No.910

CRL.O.P.No.14967 of 2021

CP(CO)
KKV/07/01/2022