



WEB COPY



W.P.No.10472 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.10472 of 2023

S.Sathish Kumar

... Petitioner

Vs.

1.The Superintendent of Police,
Coimbatore District.

2.The Deputy Superintendent of Police,
Soolur Division,
Coimbatore District.

3.The Inspector of Police,
Soolur Police Station,
Soolur,
Kovai – 641 402.

... Respondents

PRAYER: This Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus, directing the 3rd respondent to dispose of the petitioner's representation dated 07.03.2023 to give Police protection to the petitioner and his family members at his expenses.

For Petitioner : Mr.M.Selvam

For Respondents : Mr.S.Santhosh

Government Advocate (Criminal side)



W.P.No.10472 of 2023

WEB COPY

ORDER

This Writ Petition has been filed to direct the 3rd respondent to dispose of the petitioner's representation dated 07.03.2023 to give Police protection to the petitioner and his family members at his expenses.

2.It is the submission of learned counsel for petitioner that petitioner borrowed money from HDFL Bank, Bajaj Finance and other Banks. These Banks sent their gundas for collection of money. Therefore, this petition.

3.In response, the learned Government Advocate (Criminal side) submitted that petitioner had availed credit facilities through credit card from the following Banks namely, SBI, HDFC, RBL, IndusIndi, Bajaj Finserv, Hero Fincorp, Post pe, Bajaj RBL Super Card. After availing credit facility, he failed to pay the money and therefore, he gave a complaint alleging that the banks had sent their men for collection of amount. On the basis of his complaint, an enquiry was conducted. During the course of enquiry, petitioner gave a written statement stating that he does not want any action on his complaint. Therefore, the petition enquiry was closed.



W.P.No.10472 of 2023

WEB COPY

4. In the light of the submission made by the learned counsel appearing for the parties, it is apparent that petitioner had availed credit facilities from various banks and failed to repay the money. When the bank sent their men / collecting agents for the collection of the money, petitioner had given a complaint. It is the duty of the petitioner to repay the money borrowed. Now, he had also given an undertaking before the respondent Police that he does not want any further action on the basis of his complaint. Therefore, this Court is of the view that the prayer seeking Police protection cannot be entertained. However, it is made clear to the Banks that they have to resort only to legal remedy for collection of amount lent and they cannot resort to illegal modes for collection of money lent.

5. Accordingly, this Writ Petition is disposed of. No costs.

05.04.2023

Index: Yes/No

Speaking/Non speaking order

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WEB COPY



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G.CHANDRASEKHARAN.J.,

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To

- 1.The Superintendent of Police,
Coimbatore District.
- 2.The Deputy Superintendent of Police,
Soolur Division,
Coimbatore District.
- 3.The Inspector of Police,
Soolur Police Station,
Soolur,
Kovai – 641 402.
- 4.The Public Prosecutor,
High Court of Madras

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