



CrI.O.P.(MD) No.17132 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.09.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD)No.17132 of 2023

Karunakaran

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai, Madurai District.

2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.

3.Muthuraja

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction directing the 2nd Respondent not to harass the petitioner to hand over the vehicles before the 2nd respondent's Police station without following due process of law on basis of the the petitioner's complaint dated 18.09.2023.

For Petitioner
For R1 and R2

:Mr.G.Hariharan
:Mr.B.Thanga Aravindh
Government Advocate (Criminal)



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ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the respondent police not to harass the petitioner by directing the petitioner to hand over the vehicles to the respondent No.3.

2.It is submitted by the learned counsel for the petitioner that the petitioner has purchased about 5 vehicles by borrowing loan from the respondent No.3 bank and has committed default, for which the respondent No.3 has approached the police and the police have been harassing the petitioner to hand over the vehicles.

3.The learned Government Advocate (Crl.side) submits that the petitioner from the respondent No.3 has purchased the vehicles under hire purchase agreement and has committed default in payment of EMIs, thereby the respondent No.3 has made an attempt to take possession of the vehicles, for which the petitioner has been resisting to hand over the vehicles. It is submitted further that as of now, the petitioner has to pay an amount of Rs.70,92,948/- and as per the hire purchase agreement, when the respondent No.3 went to seize the vehicles,



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the petitioner stated to have threatened, basing on which a complaint is filed by the respondent No.3 and in respect of the said complaint, the petitioner was called.

4.Once the petitioner has purchased the vehicles under hire purchase agreement, the person, who has advanced the finance, has got every right to seize the vehicles in case if there is a default. The petitioner, who has committed default, cannot resist the said seizure. In view of the above, this Petition is disposed of, directing the respondent police to consider the complaints and dispose of the same as quickly as possible, not later than two weeks from the date of receipt of a copy of this order by following due process of law strictly.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

26.09.2023

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To

1.The Superintendent of Police,
Madurai, Madurai District.

2.The Inspector of Police,

3/5



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Nagamalai Pudukottai Police Station,
Madurai District.

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



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DR.D.NAGARJUN. J.

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