

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1387 of 2023

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

SONU KUMAR Son of Late-Jaynandan Pandit Resident of Village-Kusharhi,
P.S.-Neura (O.P), District-Patna.

... .. Petitioner/s

Versus

- 1. The State of Bihar, through the Principal Secretary Home (Police), Main Secretariate Patna. Patna
- 2. The Director General of Police, Govt. of Bihar, Patel Bhawan, Patna. Patna
- 3. The Senior Superintendent of Police, Patna. Patna
- 4. The Sub-Divisional Police Officer, Danapur, Patna. Patna
- 5. The S.H.O., Neura Police Station, Danapur, Patna. Patna
- 6. Tata Motor Finance Ltd., Registered Office 10th Floor 106 A and B Maker Chamber-III, Nariman, Mumbai 400021, through its General Manager.
- 7. Shalini Kumari, Manager, Patna Branch, Tata Motors Finance Ltd., Kashi Palace, Near Hari Niwas Complex, Patna-1
- 8. The Authorized Signatory Guinea Motors Pvt. Ltd., Anand Bihar, West Boring Canal Road, Patna. Patna
- 9. Devendra Kumar Upadhyay, Recovery Agent, Vishnu Repossession Agency, Office Yard NH-30, Maner, Ara-Patna Road, Bihar-801108.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey, Advocate
Mr.Braj Kishore Singh, Advocate
For the Respondent/s : Mr. Sanjay Kumar, AC to SC-8

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

- 212-01-2024Heard learned counsel for the petitioner and the State.
2. By filing this writ application, the petitioner is seeking a direction to the respondents to lodge a F.I.R. against the accused persons and properly investigate the matter.
3. Learned counsel for the petitioner submits that the respondent nos.7, 9 and some other unknown persons forcibly

got him down from his vehicle and took away the vehicle for which the petitioner has made repeated request to the official respondents to lodge a First Information Report but till date no FIR has been lodged.

4. Learned counsel for the State submits that while considering the similar kind of grievances of forcible taking over possession of the vehicles purchased with the assistance from non-banking finance company, this Court has passed an order in CWJC No.3456 of 2021 and other analogous cases in which directions have been given to the Superintendent of Police of all the districts in the State of Bihar to ensure that within their jurisdiction no recovery agent of the bank and financial institution may take the law into their hands, intercept the vehicles, the vehicles in default may be given effect to only in accordance with law and the procedure established by law.

5. Learned counsel submits that if the petitioner alleges that his vehicle has been forcibly snatched away, he may file an appropriate complaint with the Superintendent of Police which will be looked into in terms of the directions of this Court.

6. Having regard to the submissions made on behalf of the petitioner and the State, this Court grants liberty to the

petitioner to approach the Senior Superintendent of Police/Superintendent of Police within whose jurisdiction the alleged forcible possession has been taken of the vehicle in question.

7. The grievance of the petitioner that he has approached the S.D.P.O. and the Senior Superintendent of Police but the S.H.O. of Neora police station has not lodged the FIR shall be considered by the Senior Superintendent of Police, Patna and appropriate immediate action shall be taken in this regard.

8. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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