



Crl.O.P.(MD).No.3047 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.3047 of 2024

1.Murugan

2.K.Sivasubramanian

... Petitioners

Vs.

1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
Crime Branch,
Palayamkottai Police Station,
Tirunelveli.

3.Kumar

4.Vijay Auto Agency

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the Respondents 1 and 2 or their men not to harass the Petitioners in the name of discharging their official duty and their company employees.



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For Petitioners : Mr.A.Joseph Jerry

For R-1 and R-2 : Mr.M.Veeranthiran
Government Advocate
(Criminal Side)

ORDER

The learned Counsel for the Petitioners submitted that the Petitioners had filed this petition seeking direction against the Respondents 1 and 2 not to harass the Petitioners under the guise of enquiry.

2. It is the submission of the learned Counsel for the Petitioners that the first Petitioner is the collection Manager and the second Petitioner is the Sales Manager of Hero Fincrop Limited, which is a Non-Banking Financial Company. One Kannan had purchased two wheeler bearing Registration No.TN 72 BQ 3226 from M/s.Vijay Auto Agency (dealer)/4th Respondent herein, which was financed by M/s.Sriram Finance. Due to default in monthly EMI, the said Finance Company repossessed the said vehicle and sold in auction, which was purchased by the third Respondent herein. While so, the said Kananan again purchased another new vehicle bearing Registration No.TN 72 BT 7178 from the fourth Respondent show room with same model



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and colour as that of previous vehicle and this new vehicle was financed by the Hero Fincorp Limited, where the Petitioners were working. Inadvertently, the fourth Respondent showroom, while handing over the invoice of the new vehicle, had mistakenly handed over the invoice of the previous vehicle, in which the incorrect particulars entered in the records of the first Petitioner's Company. Now, the vehicle is under the custody of the second Respondent. The second Respondent wanted to clarify, who is the owner of the vehicle. The third Respondent had approached the second Respondent and claimed that he had purchased the vehicle from auction conducted by Sriram Finance. Based on the complaint of the third Respondent, the second Respondent had issued summons to the Petitioners herein. The Petitioners herein had offered their explanation, but still the Respondent Police are harassing the Petitioners. Aggrieved over the same, the Petitioners approached this Court by way of filing this petition.

3. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 and 2 would submit that the said Kannan had purchased two vehicles by availing two loans from two different financial institution namely Sriram Finance and Hero Fincorp Limited. Since the loan obtained from Sriram Finance for the first vehicle was not paid, they have seized the vehicle and conducted auction. In the auction, the third Respondent had purchased the first



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vehicle. Now the vehicle is seized by the second Respondent to get clarification regarding ownership. The second Respondent undertakes to get legal opinion and act as per the legal opinion either to hand over the same to the third Respondent or to the Petitioners. He also undertakes to close the enquiry.

4. Considering the submission of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), the explanation offered by the Petitioners is found acceptable. The second Respondent is directed to get the statement of the Petitioners herein and act accordingly. The second Respondent is directed to issue summons to the Petitioners specifying time and date for appearance of the Petitioners for conducting enquiry.

5. With the above direction, this Criminal Original Petition is disposed of.

27.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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- To
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Tirunelveli City,
Tirunelveli.
 - 2.The Inspector of Police,
Crime Branch,
Palayamkottai Police Station,
Tirunelveli.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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