



W.P.(MD) No.5636 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

CORAM

THE HON'BLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.5636 of 2024

Victor Raj

... Petitioner

Vs.

1.The Superintendent of Police,
Kanyakumari District.

2.The Sub-Inspector of Police,
Rajakamankalam Police Station,
Rajakamankalam,
Kanyakumari District.

3.The Manager,
Indostar Capital Finance Ltd.,
Parvathipuram,
Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the 1st and 2nd Respondents to recover the vehicle, Eicher Ultra Truck belonging to the Petitioner bearing Registration No.TN-75-AU-1136 along with the Petitioner's belongings which was illegally detained by the 3rd Respondent.



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For Petitioner : Mr.G.Cenil

For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)

ORDER

The learned Counsel for the Petitioner would submit that the Petitioner had purchased vehicle, Eicher Ultra Truck, by loan provided by the third Respondent in the year 2021. The loan amount was Rs. 19,50,000/-. As per the contract entered into between the third Respondent and the Petitioner, the Petitioner had to pay back the loan in 60 Equated Monthly Installments (EMI) of Rs.45,522/-. He had paid 24 installments. Subsequently, due to his illness, he could not pay 5 installments. In order to clear the same, he had paid Rs.91,100/- on 04.01.2024. Yet, 3 installments were only due. He is ready to pay the installments.

2. Being so, he was receiving threatening phone calls frequently. On 28.01.2024, he received phone calls from two mobile numbers, 9787891713 and 9751877002, originating from Eathamozhi in the Kanyakumari District. They sought the vehicle from the Petitioner on the ground that they want to shift their household articles from Eathamozhi to



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Chennai. Accordingly, the Petitioner himself drove the vehicle and went to Ethamozhi around at 08.00 a.m. At that time, to the shock and surprise of the Petitioner, two persons intercepted him and forced the Petitioner from the driver seat and took the control of the vehicle. The Petitioner's belongings were inside the vehicle including his bag containing Cheque Book.

3. Therefore, he approached the third Respondent regarding the same. The third Respondent sent his henchmen along with the Petitioner to show the vehicle, where, the Petitioner found his vehicle parked in such a manner which neglected. The third Respondent failed to hand over the Cheque Book which was found in the vehicle. Therefore, he was forced to give complaint to the second Respondent. The second Respondent failed to take action based on the complaint of the Petitioner. Therefore, the Petitioner had approached this Court seeking direction against the second and third Respondents.

4. As per the contract entered into between the third Respondent and the Petitioner, the Petitioner himself had agreed to the terms of the third Respondent which is a finance company. Therefore, the Petitioner is



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directed to approach the third Respondent and comply the conditions as per the terms of the contract. Since it involves the contract between the Petitioner and the third Respondent, the police cannot intervene. The Petitioner is directed to approach the third Respondent. In the absence of the same, they can enforce the contract through the Civil Court.

5. Accordingly, this Writ Petition is closed. No cost.

08.03.2024

Index: Yes/ No

Neutral Citation: Yes / No

Speaking Order / Non-Speaking Order

JEN

To :

- 1.The Superintendent of Police,
Kanyakumari District.
- 2.The Sub-Inspector of Police,
Rajakamankalam Police Station,
Rajakamankalam,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

JEN

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