

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

109.

CRM-M No.7079 of 2024 (O&M)

Date of Decision:12.02.2024

Mohit Jaidka

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM : HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karan Bhardwaj, Advocate
for the petitioner.

HARPREET SINGH BRAR, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for issuance of a direction to respondents No.1 to 3 to take appropriate legal action against respondents No.4 and 5, who are trying to take forcible possession of the vehicle bearing No.PB04AB 6300 with the help of recovery agents.

2. The facts in brief are that on 16.11.2018, the petitioner had purchased vehicle bearing No.PB04AB 6300 from respondents No.4 & 5. The said vehicle was financed by respondent No.4 through respondent No.5. The total amount financed was Rs.29,65,000/-, which was required to be paid in monthly installments of Rs.59,500/- commencing from 16.11.2018. The petitioner has already repaid an amount of Rs.26,02,032/- and the outstanding amount is Rs.3,62,968/-.

3. Learned counsel appearing for the petitioner *inter alia* contends that the petitioner has paid substantial amount, however, respondents No.4 and 5 are adamant to take possession of the vehicle of the petitioner forcibly, despite the fact that only a fraction of the loan amount is due, that is too, on account of restructuring of loan done by respondents No.4 & 5 without knowledge and consent of the petitioner on 04.01.2024. The petitioner came to know about the same when he approached the Branch Manager and obtained the account statement. The Branch

Manager asked the petitioner to park the vehicle in the bank premises or else, it would be forcibly recovered through their recovery agents. The petitioner has a valid apprehension that recovery agents of respondents No.4 and 5 would forcibly take possession of the vehicle owned by the petitioner in violation of the instructions issued by the Reserve Bank of India under the Reserve Bank of India Act. It is also submitted that the petitioner will be satisfied in case the complaint dated 04.01.2024 (Annexure P-2) given by the petitioner to respondent No.2 is decided in a time bound manner and necessary steps be taken thereon in accordance with law to ensure that there is no obstruction caused at the instance of respondents No.4 and 5 to the petitioner for plying the vehicle.

4. Notice of motion to the official respondents only.
5. Mr. Subhash Godara, Addl. A.G., Punjab, who is present in Court, accepts notice for the official respondents and submits that the respondent-State is duty bound to protect the life and liberty of every citizen and maintain the law and order. It is further submitted that complaint (Annexure P-2) of the petitioner will be considered by the official respondents and necessary steps will be taken thereon in accordance with law.
6. Without going into the merits of the case, the present petition is disposed of with a direction to respondent No.2 to consider the complaint (Annexure P-2) submitted by the petitioner within a period of four weeks from today and take necessary steps thereon, in accordance with law

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(HARPREET SINGH BRAR)
JUDGE

February 12, 2024
Pankaj*

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No