

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

112

CRM-M-10850-2024 (O&M)

Date of Decision:- 01.03.2024

CHHAMINDER SINGH

....Petitioner(s)

Versus

STATE OF PUNJAB AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

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

SANJIV BERRY, J. (ORAL)

1. The present petition has been filed under Section 482 Cr.P.C. for issuance of directions to respondent Nos. 1 to 3 to take appropriate legal action against respondents No. 4 and 5, who are trying and making an attempt to forcibly take away the vehicle of the petitioner bearing registration No.PB-05-AM-3557 with the help of recovery agents and henchmen.

2. The brief facts of the case are that the petitioner purchased vehicle bearing registration No.PB-05-AM-3557 by taking loan from respondent Nos.4 and 5 on 19.12.2019. The vehicle was financed by respondent No. 4 through its Branch i.e., respondent No. 5. The financed amount was Rs.28,02,225/-. The same was to be repaid in 69 monthly installments of Rs.60,081/- The loan summary prepared by petitioner on the

basis of account statement is attached as Annexure P-1. The petitioner was regularly paying the installments but only six installments of Rs.60,081/- are outstanding as on date which the petitioner intends to pay in accordance with law.

3. Learned counsel for the petitioner contends that now the recovery agents of respondent Nos.4 and 5 are making desperate attempts to recover the vehicle bearing registration No.PB-05-AM-3557. The Hon'ble Supreme Court recently vide its judgment dated 26.02.2007 passed in case titled as *Manager, ICICI Bank Ltd. V/s Prakash Kaur and others*, deprecated and denounced the practice of forcibly taking possession. The observation of Hon'ble Apex Court is as follows:-

"In conclusion, we can say that we are governed by a rule of law in the country. The recovery of loans or seizure of vehicles could be done only through legal means. The bank can not employ Goondas to take possession by force."

4. Notice of motion.

5. On the asking of the Court, Mr. Harpreet Singh, Additional AG Punjab, accepts notice on behalf of the respondents-State.

6. After hearing the respective submissions and also the averments made in the petition by learned counsel for the petitioner, without commenting on the purpose of the case, the present petition is disposed of with a direction to respondent No.2- Senior Superintendent of Police, District Ferozepur, to consider and dispose of the representation dated 18.01.2024 (Annexure P-2) moved by the petitioner in accordance with law in an expeditious manner and the decision so taken be intimated to the petitioner as well.

7. Disposed of.
8. It is made clear that anything contained hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(SANJIV BERRY)

JUDGE

01.03.2024

S.Sharma(syr)

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |