



W.P.No.24389 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2026

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CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24389 of 2023

M/s.L&T Finance Limited,
(Formerly L & T Housing Finance Ltd.,)
7th Floor Technopolis, A Wing
Plot NO.4, Block-BP, Sec.V,
Salt Lake, Kolkata – 700 091.

Corporate Office at
Brindavan, CST Road,
Kalina, Santacruz, East,
Mumbai – 400098.

Branch Office at
No.306, A Katpadi Main Road,
Amman Suzuki Complex,
Vellore – 632 006
Rep. By its Authorized Officer,
S.Selvamani.

... Petitioner

Vs.

1. National Commission for Schedule Castes,
Shastry Bhavan, Block No.V,
II Floor, No.26, Haddows Road,
Nungambakkam, Chennai – 600 006.

2. The Superintendent of Police,
Vellore District.

3. The Deputy Superintendent of Police,
Katpadi, Vellore District.



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4. The State Rep. By
The Inspector of Police,
K5, Virudampet Police Station,
Vellore District.

5. Ettiyar Gopal,
S/o. Gopal,
Koil Street, Senthamangalam,
Vaamathur Post, Chengam Taluk,
Tiruvannamalai District – 606 702.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the proceedings Ref No. “F.No.8/54/2023 Rep” dated 05.07.2023 passed by the first respondent and quash the same.

For Petitioner : Mr.V.Balasubramani

For Respondents

For R1 : Mr.S.Diwakar,
Special Panel Counsel

For R2 to R4 : Mr.R.Ganesh Kumar
Counsel for Government of Tamil Nadu

For R5 : Mr.R.Sankarasubbu

ORDER

This Writ Petition has been filed challenging the summon issued by the first respondent dated 05.07.2023 thereby calling upon the petitioner to appear for the enquiry on the complaint lodged by the fifth respondent.



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2. The petitioner is a financial institution. During the course of

business, the fifth respondent availed financial facility for the purpose to purchase a vehicle. On the application, the fifth respondent was sanctioned loan for a sum of Rs.4,97,500/- to purchase the vehicle. The fifth respondent also agreed to pay the loan together with interest without any default by installment. However, the fifth respondent committed default even right from the first installment. Therefore, the petitioner had invoked arbitration proceeding as per the loan agreement. However, the fifth respondent failed to appear before the Arbitrator for the arbitration proceeding. Therefore, the Arbitrator passed an award dated 24.12.2019, thereby directing the fifth respondent to pay the loan amount with interest at the rate of 18% per annum.

3. In the mean while, the fifth respondent had created a third party interest over the vehicle which was already hypothecated with the petitioner. Hence, the petitioner had taken possession of the vehicle and called upon the fifth respondent to pay the outstanding amount to release the vehicle. But the fifth respondent failed to avail the remedy and as such, the petitioner had auctioned the vehicle and adjusted the sale proceeds towards the loan amount payable by the fifth respondent. With regard to the balance amount, the petitioner issued notice to the fifth



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respondent. On receipt of the said notice, the fifth respondent lodged complaint before the first respondent and on receipt of the same, the first respondent issued summon to the petitioner to appear for the enquiry.

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4. Simultaneously, the fifth respondent also lodged complaint before the fourth respondent and the same was registered vide Crime No.150 of 2023 for the offences punishable under Sections 294(b), 408, 506(i) of IPC r/w 3(2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. The said FIR also under challenge before this Court in Crl.O.P.No.20565 of 2023 and this Court stayed the further proceedings of the FIR registered in Crime No.150 of 2023.

5. Therefore, the fifth respondent cannot maintain two complaints for the very same set of allegations before the fourth respondent as well as before the first respondent. The complaint lodged by the fifth respondent before the first respondent cannot be maintainable since, for the very same set of allegations, he has also lodged a complaint before the fourth respondent the same was registered in Crime No.150 of 2023. Hence, the impugned proceeding cannot be sustained and is liable to be quashed.



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6. In view of the above discussions, the impugned proceeding Ref No. “F.No.8/54/2023 Rep” dated 05.07.2023 on the file of the first respondent is hereby quashed and the Writ Petition stands allowed. There shall be no order as to costs.

01.06.2026

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

rts

To

1. National Commission for Schedule Castes,
Shastry Bhavan, Block No.V,
II Floor, No.26, Haddows Road,
Nungambakkam, Chennai – 600 006.

2. The Superintendent of Police,
Vellore District.

3. The Deputy Superintendent of Police,
Katpadi, Vellore District.

4. The Inspector of Police,
K5, Virudampet Police Station,
Vellore District.

5. The Public Prosecutor,
Madras High Court,
Chennai.



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rts

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