

**IN THE COURT OF DISTRICT CUM JUDICIAL MAGISTRATE COURT,
CHEYYUR**

**In the presence of Tmt.C.M. Amaravathi., M.L.,
District Munsif cum Judicial Magistrate,
Cheyyur.**

Date: Tuesday on 12th day of May 2026.

CMP.No. 567/2024

Cholamandalam Investment and Finance Co. Ltd Rep. By its Legal Manager,
Mr. S.Aristotle, S/o. Soundararajan, aged 38 years,
1st Floor No. 719, Pathari Road, Chennai 600 002.

**(Cholamandalam Investment and Finance Co. Ltd gave Authorisation to
Mr. S. Aristotle S/o. Soundararajan, to represent the Company in Legal
Proceedings, (Authorisation letter enclosed in Document No. 11)**

...Petitioner...

//Vs//

1. The Inspector of Police, G6 – Chithamoor Police Station,
Chithamoor, Chengalpattu District. 1st Respondent...
2. Mr. R. Kumar S/o. T. Raji,
Residing at No.37, Mariamman Kovil Street,
Vasanthavadi Village, Maduranthagam Taluk,
Chengalpattu District. 2nd Respondent..
3. Mrs. K. Kamatchi, W/o. R. Kumar,
Residing at No. 37, Mariamman Kovil Street,
Vasanthavadi Village, Maduranthakam Taluk,
Chengalpattu District. ... 3rd Respondent...
- 4.M/s. Vetrivel (Valuers & Planners)
Residing at New No.33, Old No.13,
Rameshwaram Road, T. Nagar, Chennai 600 017. ...4th Respondent...

This petition is coming for final hearing before me, in the presence of M/s. B. Sathish kumar, A. Ashok, G. Yoganarashimman, E. Kumari, T. Malathi, learned counsels for the complainant and upon perusing the records and having stood over for consideration till this day, this court made the following:

Order

1. The instant application has been filed by the Petitioner under Section 156 (3) Cr.PC., seeking to direct the 1st respondent police to investigate and register the FIR against the 2nd Respondent (Mr. R. Kumar – Borrower), 3rd Respondent (Mrs. K. Kamatchi – Co borrower) and 4th Respondent (M/s. Vetrivel (Valuers & Planners), the alleged accused by them for the above offence and punish under the sections according to law in the interest and also Order the 1st Respondent to initiate appropriate criminal proceedings as against 2nd, 3rd, and 4th Respondents duly punishable U/s. 420, 423, 424, 425, 463, 464, 465, 468 and 470 of IPC.

2. The petitioner filed the petition along with affidavit and connected documents. The arguments heard on the side of the petitioner counsel. The entire records perused.

3. The petitioner submitted that the petitioner is the authorized representative of Cholamandalam investment and Finance Company Limited and filed this complaint on behalf of the company. One Mr. Kumar S/o. Mr. T. Raji had approach the petitioner finance company for availing Home Loan for the property situated at, Chengalpattu District. Maduranthakam Taluk, Maduranthakam Sub Registration District, Maduranthakam Panchayath Union, Nethapakkam Panchayat, Vasanthavadi

Village, Sri Lakshmi Nagar Plot No.70 in Punjai S.No.3/3A to the extent of 2273 Sq. feet, after verifying all the documents and site verification performed by the Duly Authorized valuer M/s. Vetrivel valuer & Planners, represented by its proprietor Mr. M. Kadirvelu, our Finance Company sanctioned the loan for the borrower Mr. R. Kumar. The company had sanctioned a home loan of Rs. 12,75,178/- to be borrower Mr. R. Kumar. The borrower deposited title deed and executed registered mortgage documents in favour of the petitioner finance company. Memorandum of deposit of title deeds in favour of Finance company through the Registered MOD Doc. No. 533/2018 dated as 16.02.2018 duly registered at the Sub Registrar Office at Maduranthakam by depositing the original sale deed Doc.No.5796/2014. Later the borrower applied for an additional top up loan of Rs. 6,00,000/-. The property was inspected and valued by M/s. Vetrivel. Valuer & Planners through its proprietor Er. M. Kadirvelu. Based on the valuation report and verification, the company processed and disbursed the loan amount.

4. The petitioner further submits that, after receiving the loan, the borrower failed to regularly pay EMI and the account became an NPA as per RBI guideline. The finance company initiated recovery proceedings under the SARFAESI Act, 2002. Demand notice under Section 13 (2) and possession notice under section 13 (4) were issued and pasted at the property. The company later filed a petition under section 14 before the Chief Judicial Magistrate Court, Chengalpattu, vide Crl.M.P.No.5688/2026 and Hon'ble Court passed the order for taking possession with the help of Advocate Commissioner by order dated 18.08.2023 for physical

possession. The court appointed an Advocate commissioner and ordered possession of the mortgaged property. On 25.09.2023 physical possession was taken with police assistance in the presence of the borrower. Subsequently, on 26.09.2023 the company discovered that the property shown during loan processing was different from the actual mortgaged property. The borrower allegedly mortgaged only a vacant land instead of the land and building shown earlier. The petitioner claims the borrower intentionally misled the finance company to obtain the loan fraudulently.

5. Furthermore, the Co – borrower Mrs. K.Kamatchi was also alleged to have knowledge about the transaction. The valuer Er. M.Kadirvelu and M/s. Vetrivel Valuer & Planners were accused of colluding with the borrower. The complaint states that false valuation and misleading documents were used during the loan process. The petitioner alleges cheating, criminal breach of trust and fraudulent mortgage activities by the accused persons. The company further alleges that the accused later threatened company officials and attempted to pressure them for settlement. It is also alleged that the accused threatened to defame the company through social media and other means.

6. Moreover, the petitioner lodged online complaint dated on 16.10.2023 to the 1st Respondent of police, Deputy Superintendent of Police, Maduranthakam, and Superintendent of Police, Chengalpattu which was acknowledged by Reference Number ETM23203712 against the 2nd, 3rd, 4th, Respondents. Complaints were submitted to the Inspector of Police, Deputy Superintendent of Police and Superintendent of police, Chengalpattu. Deposit repeated requests, the petitioner

claims that no effective police action was taken on the complaint. Therefore the petitioner approached the court seeking directions to register and investigate on the complaint. The petitioner alleges offences under sections 420, 423, 424, 425, 463, 464, 465, 468 and 470 of the Indian Penal code.

7. The 1st Respondent the Inspector of Police Chithamur filed reply on 05.11.2025. In which stated that the complaint is civil nature hence the complaint has been closed. On perusal of records this court comes to conclusion that, the complaint lodged by the petitioner is not civil nature the offence comes under criminal nature.

8. In the result this petition is allowed and the Inspector of Police, G6 Chithamur Police Station is directed to conduct an investigation with regard to the complaint given by the petitioner in accordance with law as laid down by the Hon'ble Supreme Court in Lalitha Kumari Vs State of Uttar pradesh and others and file the report as early as possible without inordinate delay.

Dictated to the steno-typist, typed by her in the Computer directly, printed, corrected and pronounced by me in open Court this the 11th day of May 2026.

District Munsif cum Judicial Magistrate,
Cheyyur.