

## Qualifications inconsequential

*By Edrich Miranda*

Mumbai 6<sup>th</sup> July 2021: Husband wife-chartered accountant and advocate respectively, both procured housing as well as personal loan from a reputed NBFC Ltd. There has been default of two consecutive EMI's during the lockdown period. Recovery agents hounding them tormenting them, intimidating them, insulting them, and defaming them. The duo goes to police station to complain, police refuse to accept the complaint; then comes a phone call from them requesting me to come to the police station (*I have stopped going to police station for the past 10 years or so*); but since the husband was my lecturer for GST Course and the wife is associated with the legal profession, sort of colleague, I obliged.

At the police station, I briefed them in private, be brief, don't talk sections, don't insist on what's in the book, be shrewd as to what is to be concealed and what is to be revealed within the framework of law.

But No! As they went before the duty officer, they started to introduce themselves as advocate and C.A. respectively, tried to tell the officer a litany of which as usual, mentally turns of police personnel. The duty officer tried to evade work, by pointing out area jurisdiction, saying, "You live in that area, so complain in that police station", next stand was, "As per your written communication, email print out, you are agreeable to return the principle amount borrowed, with 50% of accrued interest and miscellaneous charges, further this is a non-cognizable offence therefore no FIR, and the last straw was, when the duo said we have received threatening messages on our respective mobiles, **Well!** Immediately the duty officer said, you can go to the cyber crime cell, at Thane (*Which is altogether a separate district, about 70 K. M's away*). **Why?** *Because, one shouldn't put mouth in motion, without shifting mental gear.*

Anyway I intervened and urged the duty officer to do whatever he thinks correct; so finally he registered a N.C. complaint. I advised the duo, if a police personnel is adamant and refuses to register a complaint, don't enter into an argument, he will show you the door, which police have been doing over the at 20 years or so, with senior consuls, solicitors inclusive.

There is a method of playing the game, convey all relevant and material facts about your grievance, preferably in brief and at the same time in writing, as to under which section the duty officer records the complaint, leave that to him, after he has reduced to writing your complaint, whether N.C. or FIR, complainant or Informant is always given a copy free, take the copy, and keep it securely thereafter, point out that the complaint ought to have been taken u/s whatever, but has not been recorded correctly, because then he has no defense, moreover entries have already been made in various registers which he cannot change, because one copy

is already in your exclusive custody, that will come useful to prosecute and/or sue him and/or the department, either along with the original accused or otherwise.

Simply having studied law, and obtained a license to practice does not resolve tricky situations, one needs to be street smart, which is not taught a law schools, nor at internships, not while one practices, one needs to be ingenious.



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