



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL OP No. 18705 of 2026

and

CrI.M.P.No. 12443 of 2026

G.Ther Vijayan,
S/o.Late S.Gurusamy,
No.4/185, M.M.D.A. 1st Main Road,
Maduravoyal, Tiruvallur - 600095.

..Petitioner(s)

Vs

1. Asst. Commissioner of Police
Bank Fraud Investigation,
Central Crime Branch,
GCP Vepery, Chennai - 600 007.
(Cr.No.75 of 2023)

2. Siva Nagarjuna Kumar
S/o.Chenchaiah,
Senior Managar,
Indian Overseas Bank,
K K Nagar Branch,
Chennai - 78.

..Respondent(s)

Prayer: Criminal Original Petition filed under Section 528 of BNSS, 2023, to call for the records in connection with F.I.R. in Crime No.75 of 2023 dated 01.04.2023 on the file of the 1st respondent police and Quash the same and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner(s): Ms.R.Raji

For Respondent(s): Mr.Rajasekaran
Government Counsel (CrI. Side) for R1



ORDER

The prayer in the Criminal Original Petition is to quash the FIR in Crime No.75 of 2023 registered for the offences under Sections 120B, 420, 465, 467, 468 & 471 of IPC.

2. Upon hearing the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) and perusing the material records of the above complaint, it can be seen that the above case is registered based on complaint from the Manager, Indian Overseas Bank, KK Nagar, Chennai. It is stated that A1 as well as this petitioner and others, who are partners of the firm, had already obtained loan in respect of their property and its development before the State Bank of India and, by suppressing the same and creating false document, once again loan was obtained from the de facto complainant Bank and caused loss to the Bank and they cheated the Bank is the gist of allegations.

3. As far as the submission made on behalf of the petitioner is concerned, the petitioner, though, was originally a partner with Accused No.1 in the firm by a partnership deed dated 10.07.2019, much prior to the alleged occurrence, the petitioner came out of the partnership and the deed was also duly registered before the appropriate Sub-Registrar Office. Therefore, the petitioner cannot be made liable. Absolutely no money whatsoever was credited in the any of the account of the petitioner and from the date of retirement from partnership, the



petitioner has no track whatsoever with the other accused.

4. I have considered the said submission and perused the material records of the case.

5. As far as partnership firm is concerned, after retirement or resignation from the partnership or change of constitution, will bind the 3rd parties from the date, on which, the public notice is given with reference thereof. The contention of the petitioner is that the document is registered and thereafter, no money whatsoever has been credited to the petitioner's account right from the year 2019. These are factual aspects that has to be gone into by the Investigating Officer during the course of investigation.

5. In view thereof, giving liberty to the petitioner to place the documents before the Investigating Officer, if he chooses to and directing the Investigating Officer to complete the investigation within a period of three (3) months from the date of receipt of the web copy of the order, the Criminal Original Petition stands disposed of. Needless to mention that the the liberty of the petitioner to raise the same grounds at the appropriate stage is kept open. Consequently, connected miscellaneous petition is closed.

16-07-2026

Neutral Citation: No
KKN



D.BHARATHA CHAKRAVARTHY, J.

KKN

To

1. Asst. Commissioner of Police
Bank Fraud Investigation,
Central Crime Branch,
GCP Vepery, Chennai - 600 007.
(Cr.No.75 of 2023)
2. Siva Nagarjuna Kumar
S/o.Chenchaiah,
Senior Managar,
Indian Overseas Bank,
K K Nagar Branch, Chennai - 78.
3. The Public Prosecutor,
Madras High Court, Chennai.

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