IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.28799 of 2015

Bank of Baroda
Pallavaram Branch
represented by its
Chief Manager,
K.Muralidharan
Pallavaram Municipal Office Complex,
Ivth Main Road, Chrompet,
Chennai-600 044. ... Petitioner

Vs

1. The Inspector of Police,
   Crime Branch,
   S13, Chrompet Police Station,
   Chrompet,
   Chennai-44.

2. The Commissioner of Police,
   Velpery, Chennai-7

3. The Inspector of Police,
   Central Crime Branch,
   Bank Fraud wing Team X-I,
   Velpery, Chennai-7 ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to register a case on the basis of the complaint dated 12.03.2014 lodged with the Inspector of Police, Crime Branch, S13, Chrompet Police Station, Chrompet, Chennai-44 and the complaint dated 03.02.2015 given to the Commissioner of Police on 03.02.2015 and recorded as C.No.190/CCE-II with the Central Crime Branch, Bank Fraud Wing Team X-I, Velpery, Chennai-7

For Petitioner : Mr.R.V.Ramachandran

For respondents : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the respondents to register a case on the basis of the complaint dated 12.03.2014 lodged with the Inspector of Police, Crime Branch, S13, Chrompet Police Station, Chrompet, Chennai-44 and the complaint dated 03.02.2015 given to the Commissioner of Police on 03.02.2015 and recorded as C.No.190/CCE-II with the Central Crime Branch, Bank Fraud Wing Team X-I, Velpery, Chennai-7.

2. The petitioner herein lodged a complaint as against one V.Geetha and P.Pushpa stating that their Bank sanctioned credit facilities to the tune of Rs.5.34 lakhs to M/s. Swetha Leathers at No.7, Keven Street, Samundeswari Nagar, Anakaputhur, Chennai-70 on 14.11.2013. The said firm was represented by V.Geetha who had executed all the documents with respect to the credit facilities availed. A term loan of Rs.4.84 lakhs was granted to M/s. Swetha Leathers for purchase of machineries. The said V.Geetha colluded with P.Pushpa, opened a fictitious account in Indian Bank, Anakaputhur Branch in the name and style of M/s. Uvanish Treaders and wrongfully encashed the said demand draft term loan of Rs.4.84 lakhs which is issued in favour of M/s. Uvanisha Traders. Hence, a complaint was lodged with the respondent police. Since no action was taken so far, the present petition has been filed.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that the said complaint was enquired into and the complaint has been closed since there was no forgery or criminal action projected in the allegation made in the complaint and the complaint is civil in nature.

4. Learned counsel for the petitioner denied the above statement of the learned Additional Public Prosecutor and stated that there is an element of cheating on the part of the counter petitioners.

5. Considering the submissions made by the learned Additional Public Prosecutor that the complaint has already been closed, this Court cannot give any positive direction as prayed for by the petitioner. However, the petitioner is at liberty to work out his remedy under Section 156(3) Cr.P.C.

6. This criminal original petition is disposed of accordingly.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The Inspector of Police,
Crime Branch,
S13, Chrompet Police Station,
Chrompet,
Chennai-44.

2. The Commissioner of Police,
Velpery, Chennai-7

3. The Inspector of Police,
Central Crime Branch,
Bank Fraud wing Team X-I,
Velpery, Chennai-7

4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.28799 of 2015

aa28/12/2015