

N THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.37927 of 2015

Pushpam Subbiah

... Petitioner

vs.

1.The Sub Inspector of Police,
Saibaba Colony Police Station,
Coimbatore-11.

2.The Branch Manager,
Canara Bank,
Saibaba Colony Branch,
108/109, NSR Road,
Saibaba Colony, Sangapur, Coimbatore-11.

3.S.Senthil Kumar

4.Bank of India,
Saibaba Colony Branch,
rep. by its Branch Manager,
Bhagyalakshmi Complex,
NSR Road, Coimbatore-11.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to register an FIR and enquire into the complaint of fraudulent withdrawal of money by the third respondent from the account of the petitioner and consequently to issue directions to the second respondent not to disburse the amounts in the account of the third respondent without getting a written clearance from the first respondent.

For Petitioner : Mr.T.S.Vijayakumar

For respondents : Mr.P.Sanjay Gandhi,
Addl. Govt. Pleader,
for R.1

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to register an FIR and enquire into the complaint of fraudulent withdrawal of money by the third respondent from the account of the petitioner and consequently, to issue directions to the second respondent not to disburse the amounts in the account of the third respondent without getting a written clearance from the first respondent.

2. It is the case of the petitioner that she is having a savings bank account bearing No.820310110005031 with the Bank of India, Saibaba Colony Branch, Coimbatore. While so, on 14.10.2014, she received a sum of Rs.4,83,648/- from LIC of India by way of NEFT, being the life insurance amount payable to her on account of the death of her son. When she went to withdraw the same on 26.10.2015, she was shocked to know that a sum of Rs.4,00,000/- had already been withdrawn by using a cheque bearing No.69960. But, the petitioner never issued the said cheque in any one's favour. On enquiry, she came to know that the said cheque has been encashed by one S.Senthil Kumar, the third respondent herein. But, she does know him and she has not given any cheque in his favour. Hence, she approached the first respondent with a complaint against the third respondent and on receipt of the said complaint, the first respondent has assigned CSR in CSR No.464 of 2015. But, till date, no action was taken on the said complaint. Hence, the present writ petition.

3. Learned Additional Government Pleader submitted that on receipt of the complaint of the petitioner, C.S.R.No.464 of 2015 has been assigned and the matter is pending for enquiry.

4. In view of the said submission made by the learned Additional Government Pleader, this Court directs the first respondent to conduct enquiry on the complaint given by the petitioner in C.S.R.No.464 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. The writ petition is disposed of accordingly. No costs.

sd/-

Assistant Registrar(CCC)

/TRUE COPY/

Sub-Assistant Registrar

sbi

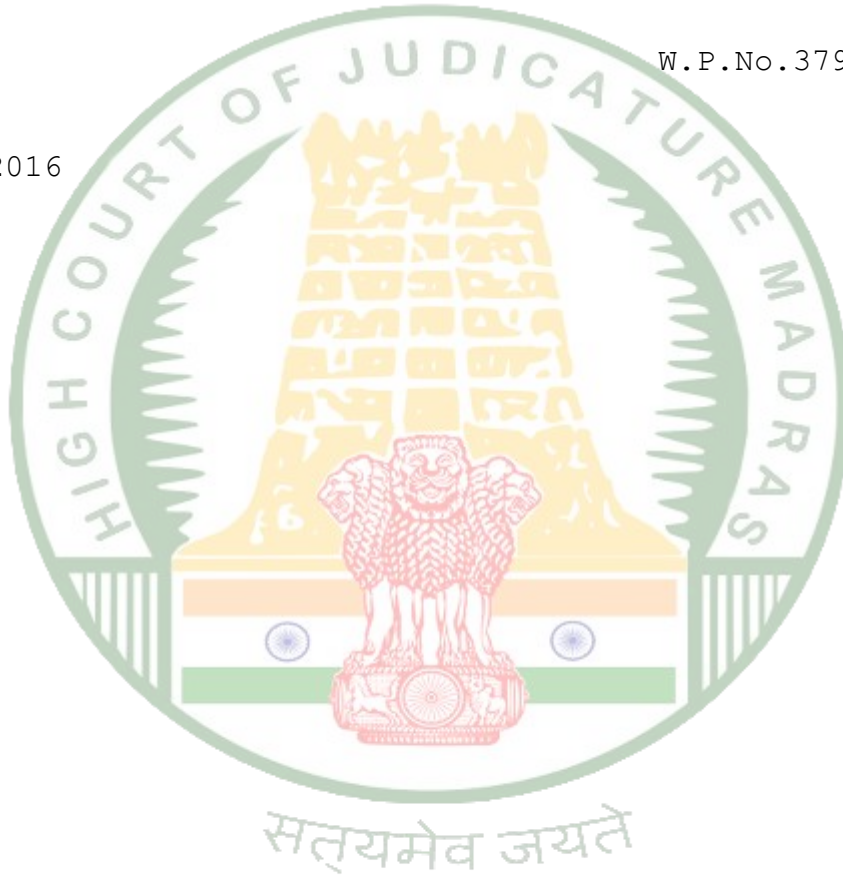
To

1.The Sub Inspector of Police,
Saibaba Colony Police Station,
Coimbatore-11.

+1 CC to MR.T.S.Vijayakumar Advocate. SR.NO.68453
+1 CC to MR.M.Guru Prasad Advocate. SR.NO.68144
+1 CC to Govt.Pleader. SR.NO.67867

W.P.No.37927 of 2015

CO-AD
JD 08/01/2016



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