

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2015

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.Nos.1599 & 1600 of 2013
and M.P.Nos.1 & 1 of 2013

S.Radha ... Petitioner in both
Crl.OPs.

Vs.

1. The Inspector of Police
Central Crime Branch
Office of the Commissioner of Police,
Egmore, Chennai - 600 008. ... 1st respondent in both
Crl.OPs/Complainant

T.P.Kumar ... 2nd Respondent in
Crl.OP.1599/2009/Defacto
Complainant.

K.S.Narasimhan ... 2nd respondent in
Crl.OP.1600/2009/Defacto
Complainant.

PRAYER: Criminal Original Petitions are filed under Section 482 of Cr.P.C to call for the records relating to the case in Crime Nos.163 & 156 of 2008 respectively on the file of the respondent and quash the same as illegal.

For Petitioner in : Mr.A.Ansar
both Crl.OPs.

For Respondents : Mr.C. Emalias
No.1 Addl. Public Prosecutor

For Respondents : Mr.C.P.R.Kamaraj
No.2

COMMON ORDER

These criminal original petitions have been filed to call for the records relating to the case in Crime Nos.163 & 156 of 2008 respectively on the file of the respondent and quash the same as illegal.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for first respondent and the learned counsel appearing for the second respondent.

3. On a complaint lodged by the Branch Manager, State Bank of India, Saidapet Branch, the respondent police registered a case in Crime No.163 of 2008 on 20.03.2008 under Sections 419, 420, 465, 467, 468 and 471 I.P.C against the petitioner herein, challenging which, the petitioner has filed Crl.O.P.No.1599 of 2013.

4. On a complaint lodged by the Chief Manager of State Bank of India, C.I.T Nagar branch, the respondent police registered a case in Crime No.156 of 2008 on 20.03.2008 for the same offences, challenging which, the petitioner herein has filed Crl.OP.No.1600 of 2013.

5. The crux of the allegations in both the FIRs is that Radha, the petitioner/accused herein had brought about 35 persons who were said to be working with her in the Agricultural Engineering Department and applied for personal loans for them. The personal loans were sanctioned by the Branch Managers to the 35 persons and they repaid the loan amount for sometime. After sometime, borrowers stopped repaying the loan amount and when the bank started making enquiries, it came to light that the persons brought by Radha were fictitious persons and the loans have been obtained by her by producing false documents.

6. The learned counsel for the petitioner submitted that all the loans were processed by the branch manager and the loan amounts were disbursed to the accounts of the borrowers directly and that, there is no material to show about the involvement of Radha in the offences.

7. The learned Additional Public Prosecutor submitted that during the course of investigation by the police, it came to light that Radha in connivance with the bank managers and other officers of the bank had produced bogus documents and availed loans in the name of fictitious persons. The police have arrested Radha and also the managers by name Srinivasan, Amirthalingam and Archunan of State Bank of India.

8. On a perusal of the case diary, it is seen that there are overwhelming materials implicating the petitioner herein. For example, a person, who has availed loan from the CIT Nagar branch in one name, has availed loan from the Saidapet branch in another name.

9. The learned counsel for the petitioner relied upon the judgment of the Hon'ble Supreme Court in State of U.P.through CBI SPE, Lucknow Vs. R.K.Srivastava and another for the proposition that in the absence of materials against the accused, the FIR deserves to be quashed

10. On a close reading of the said ruling, it is evident that the Hon'ble Supreme Court had to deal with the case, in which, charge sheet was filed. In this case, a final report has not been filed and the investigation is almost complete. Therefore, the FIRs in these cases cannot be quashed in the light of the Law laid down by the Hon'ble Supreme Court in State of Haryana v. Bhajan Lal reported in 1992 Supp (1) SCC 335.

In the result, the petitions are dismissed as devoid of merits. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sms

To

1. The Inspector of Police
Central Crime Branch
Office of the Commissioner of Police,
Egmore, Chennai - 600 008.

2. The Public Prosecutor
High Court, Madras.

+1 cc to M/s.Ansar & M.Venkatesan, Advocates, sr.45937

+1 cc to Mr.A.Ansar, Advocate, sr.45669.

Crl.O.P.Nos.1599 & 1600 of 2013
and M.P.Nos.1 & 1 of 2013

bvr (co)

kra 8/9

सत्यमेव जयते

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