IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
Crl.OP.No.12538 of 2016

Bank of Maharashtra,
Chennai Zone,
represented by its
Deputy General Manager
Mr.Ramesh Chandra Mishra,
No.4, Sivagnanum Road,
T.Nagar,
Chennai-600 017. ...Petitioner

Vs

The Inspector of Police,
City Crime Branch,
Coimbatore. ...Respondent

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to direct the respondent to register an FIR on the complaint dated 29.06.2015, investigate the matter, bring the offenders to book and prosecute the offenders in accordance with law.

For Petitioner :Mr.SP.Chockalingam

For Respondent :Mr.C.Emalias
Additional Public Prosecutor

ORDER

Seeking a direction to the respondent to register an FIR on the complaint dated 29.06.2015 and to investigate the matter in accordance with law, the petitioner/Bank has come up with this petition.

2.The petitioner is the Deputy General Manager of Bank of Maharashtra, Chennai Zone. It is the case of the petitioner that one P.Arumugam obtained huge loan from Bank of Maharashtra, Coimbatore Branch, in the year 2013 and had given certain property documents as collateral security. He has committed default in repayment of loan. Pursuant to which, the Bank initiated action under SARFAESI Act and DRT proceedings. During the SARFAESI proceedings, it came to light that the properties given by Arumugam does not belong to him and belongs to one Valliammai, represented by her Power Agent

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Mayilsamy. Therefore, the Bank lodged a complaint dated 29.06.2015 to the respondent police. In the meantime, Mayilsamy, who represents the true original owner of the property, has lodged a complaint before the respondent police, based on which, the respondent police have registered a case in Crime No.8 of 2016 on 27.02.2016 for offences under Sections 120(b), 467, 468, 471 and 420 IPC against (1) P.Nirmala (2)Ramakrishnan (3)P.Arumugam (borrower) and (4) the then Branch Manager of Bank of Maharashtra.

3.In view of the above, on the complaint given by the petitioner Bank, a second FIR cannot be registered because, in the course of same transaction, the documents have been fabricated and on the strength of the fabricated documents, the Bank has granted loan to Arumugam. All the subsequent complaints can be treated as statements recorded under Section 161 CrPC. During the course of investigation, if it is found that the then Branch Manager of the Bank was not privy to the offences, it is needless to state that he should be excluded in the final report.

Recording the same, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Inspector of Police,
City Crime Branch,
Coimbatore.

2.The Public Prosecutor,
High Court, Chennai.

+1cc to Mr.SP.Chokalingam Advocate SR.No.37723

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CP 23/07/2016

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