

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1257 of 2016

State Bank of Travancore
Coimbatore Main Branch
No.15, SNV Ashirwad,
State Bank Road,
Coimbatore 641 018

Represented by its Branch Manager
Ms.S.Preethi

.... Petitioner

Vs

1. The District Crime Branch,
Coimbatore District.

2. The Superintendent of Police,
Somanur, Coimbatore.

3. The Inspector of Police,
Annur Police Station,
Annur, Coimbatore District.

.... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the respondents 1 to 3 to
register the complaint dated 12.10.2015 preferred by the
petitioner herein and take appropriate action in the manner
known to law against the borrower K.Arumugam and his spouse
Karunambal at the earliest.

For Petitioner : Mr.S.R.Rajagopal

for Ms.Swarnam J Rajagopalan

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed
to direct the respondents 1 to 3 to register the complaint dated
12.10.2015 preferred by the petitioner herein and take
appropriate action in the manner known to law against the
borrower K.Arumugam and his spouse Karunambal at the earliest.

2. The petitioner herein had lodged a complaint against the counter petitioner One K.Arumugam stating that he availed a loan from the petitioner bank by creating an equitable mortgage in respect of his immovable property. When the earlier mortgage was in existence, the petitioner executed a Settlement Deed in favour of his wife Karunambal. Thereafter, the said Arumugam availed a loan from Indian Overseas Bank suppressing the earlier mortgage. Hence the petitioner lodged a complaint before the third respondent. But, till date, no action has been taken on the said complaint. Hence, the petitioner has come forward with the present criminal original petition.

3. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor appearing for the respondents.

4. The learned Additional Public Prosecutor submitted that the dispute between the petitioner and counter petitioner is over the second mortgage created by the counter petitioner and hence the matter is purely civil in nature and thus opposed for granting any direction. The learned counsel for the petitioner denied the same and submitted that there is an element of cheating is on the part of the counter petitioners in suppressing the earlier mortgage and thus sought for direction of this Court.

5. Irrespective of the submissions made on either side, this court directs the third respondent to conduct enquiry on the complaint of the petitioner dated 12.10.2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law. If otherwise, the third respondent comes to a conclusion, that the matter is purely civil in nature and if no prima facie case is made out for registering the case, the third respondent is directed to pass an appropriate order on the complaint of the petitioner.

6. This criminal original petition is disposed of accordingly.

Sd/-
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

vrc

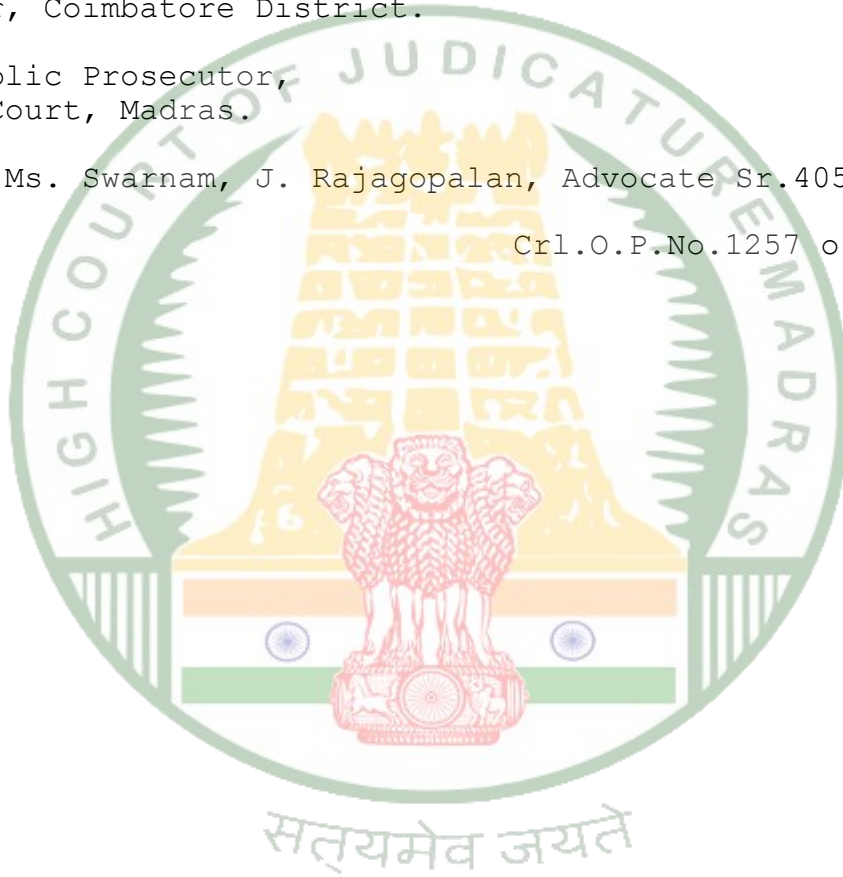
To

1. The Inspector of Police,
District Crime Branch,
Coimbatore District.
2. The Superintendent of Police,
Somanur, Coimbatore.
3. The Inspector of Police,
Annur Police Station,
Annur, Coimbatore District.
4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Ms. Swarnam, J. Rajagopalan, Advocate Sr.4055

Crl.O.P.No.1257 of 2016

EV(CO)
EU 8.2.16



WEB COPY