

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.13418 of 2016

R.Neelavathi

..Petitioner

Vs

1.The Commissioner of Police
Greater Chennai
Vepery Road
Chennai 600 007.

2.The Deputy Commissioner of Police
Chindadripet, Chennai 600 002.

3.The Inspector of Police
F-4, Thousand Lights Police Station
Greems Road, Chennai.

4.The Branch Manager
HDFC Bank
ITC Centre, 2nd Floor
759, Anna Salai
Chennai 600 002.

.. Respondents

[R4 impleaded as per order of the
Court dated 18.07.2016]

Prayer:- Criminal Original Petition filed under Section 482
Cr.P.C., to direct the respondent police to register the
petitioner's complaint dated 17.02.2016.

For Petitioner : Mr.A.Rajesh Kanna

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

O R D E R

This petition has been filed to direct the respondent
police to register the petitioner's complaint dated
17.02.2016.

2. Heard the learned counsel for the petitioner and the
learned Additional Public Prosecutor appearing for the State.

3. It is the case of the petitioner that he had availed a
loan from HDFC Bank in the year 1996 and that by 2010 he had

paid all the dues to the Bank, despite which the Bank has not returned the original documents. In this regard, the petitioner lodged a complaint to the Inspector of Police [Crimes], F-4, Thousand Lights Police Station, Chennai. The Inspector of Police issued summons under Sections 160 and 91 Cr.P.C., dated 13.06.2016 to the HDFC Bank, for which the Legal Officer of the HDFC Bank has sent a reply, wherein it is stated as follows:

"We understand that the complainant Mrs.D.Neelavathy, who is the borrower in File No.350448272, has preferred a complaint alleging that the original property documents held under the aforesaid file number have not been released to her.

Please note the allegation of Mrs.Neelavathy, is false. The documents pertaining to the above referred loan were released in the year 2001 itself, as per our computer records.

The letter evidencing the closure, which was issued in 2015, was only a system generated copy of the original letter, issued to the borrower in the year 2001, at the time of closure, along with the original documents pertaining to the property.

The last transaction in the account had happened, in the year 2001.

It is clear from the above, that for some unknown reason the complainant has come with this false complaint after 15 years of closure. Kindly note the file pertaining to the aforesaid loan is not available, as the records, are more than 10 years old."

From the above, it appears that the loan was closed as early as 2001 and in 2016 with some ulterior motive the petitioner is setting up a claim, as if the original documents are with the HDFC Bank. Under such circumstances, no direction as prayed for can be issued to the respondent police to register an FIR.

Accordingly, this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Commissioner of Police
Greater Chennai
Vepery Road
Chennai 600 007.

2.The Deputy Commissioner of Police
Chindadripet, Chennai 600 002.

3.The Inspector of Police
F-4, Thousand Lights Police Station
Greems Road, Chennai.

4.The Public Prosecutor,
High Court, Madras.

+1cc to M/s. A. Rajesh Kanna, Advocate, S.R.No.40146

SKV(CO)
EU(16/08/2016)

सत्यमेव जयते
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