IN THE HIGH COURT OF JUDICATURE AT MADRDAS

DATE: 21.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.20471 OF 2010 &

M.P.Nos.1 & 2 of 2010

N.Krishnasamy .. Petitioner

versus

1. State represented by
the Inspector of Police,
District Crime Branch,
Coimbatore District. .. Respondent

Prayer: This petition is filed under Section 482 Cr.P.C., praying to call for the records in Crime No.21 of 2007 pending on the file of the respondent herein and quash the same.

For Petitioner : Mr.T.Sundaravadanam

For Respondent No.1 : Mr.C.Emalias,
Addl.Public Prosecutor

ORDER

This petition is filed, praying to call for the records in Crime No.21 of 2007 pending on the file of the respondent herein and quash the same.

2. Based on the complaint lodged by the Manager of the State Bank of India, Sulur, the respondent police registered a case in Crime No.21 of 2007 on 12.4.2007 for the offences punishable under Sections 403, 464, 468, 471 and 420 IPC, against the petitioner. Challenging the same, the petitioner is before this Court.

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3. It is the case of the prosecution that the petitioner is an S.B.Account holder of the above referred to bank and that he had presented a short credit bill sent collection basis for a sum of Rs.3,75,800/- drawn on one M/s.Kings Corporation, Nauranga for collection in his current account. The said bill was sent along with a short credit bill collection schedule form by way of a registered post on 4.6.2006 to Naurange Branch of

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State Bank of India for collection. On 24.6.2005, the State Bank of India, Sulur branch received a payment advise for Rs.3,77,492/- dated 20.6.2005 in respect of the said bill, which amount was accordingly, credited to the account of the petitioner. Based on the said payment advise, a sum of Rs.3,75,800/- was credited into the account of M/s.Balaji Textiles of the petitioner. On 27.6.2005, the petitioner immediately withdrew the amount. Thereafter, the Branch Manager of State Bank of India, Sulur Branch came to know that the payment advise was not sent by State Bank of India, Nauranga Branch and that it is a fake document. Hence, he lodged the complaint with the respondent police, who in turn, registered the case in Crime No.21 of 2007, which is under challenge in this petition.

4. A perusal of the FIR reveals that the petitioner IS alleged to have presented a short credit bill for Rs.3,75,800/- to the defacto complainant bank, which in turn sent was along with short credit bill collection schedule form to Nauranga Branch of State Bank for collection and on receipt of payment advise, the above said amount was credited to the account of the petitioner. However, later, it was found by the defacto complainant bank that the payment advise received by it was in fact, not sent by Nauranga branch and it was a fake document. Further, on enquiry, it was also found that the entity with the so-called name M/s.Kings Corporation was not available in Nauranga. Therefore, it is alleged that the petitioner had fraudulently caused loss to the defacto complainant bank and dihonestly parted away with the public money to the tune of Rs.3,77,492/-. Therefore, when such is the allegation against the petitioner that he arranged the fake payment advise for Rs.3,77,492/- for the purpose of cheating the defacto complainant with fraudulent intention to embezzle the public money, this Court is of the view that there are sufficient materials prima facie found against the petitioner to proceed with the investigation and therefore, there is absolutely no scope to quash the proceedings.

In the result, the Criminal Original Petition is dismissed. Consequently, connected MPs are closed. The Investigating Officer is directed to conclude the investigation as expeditiously as possible and file a report.

Sd/-
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

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

2.The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.20471 of 2010

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