

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.9442 of 2011

and MP.No.1 of 2011

1.Nagasubramanian

2.Lalitha

Petitioners

Vs

State Rep by

The Sub Inspector of Police,
Central Crime Branch, Team XV,
Egmore, Chennai - 600 008.

Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records pertaining to the FIR registered in Crime No.521 of 2008 on the file of the Sub Inspector of Police, Central Crime Branch, Team XV, Egmore, Chennai-600 008 and quash the same.

For Petitioners : Mr.J.Ramesh

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been praying to quash the FIR in Crime No.521 of 2008 on the file of the respondent police.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

3. On the complaint lodged by K.Senthil Arumugam, Branch Manager, State Bank of India, Besant Nagar Branch, Chennai-90, the respondent police have registered a case in Crime No.521 of 2008 on 28.07.2008 for the offences under Sections 465, 467, 468, 471, 420 IPC against Nagasubramanian, challenging which Nagasubramanian and Lalitha have filed the present quash application.

4. On a reading of the complaint given by the Branch Manager, it is seen that Nagasubramanian and Lalitha availed housing loan for purchase of a flat in Pammal for a sum of Rs. 6,50,000/- and submitted certain documents. The Bank

sanctioned term loan and also created an equitable mortgage in respect of the undivided share of loan in the house site, on which, the flat was proposed to be constructed. The first petitioner/accused availed of the loan, but did not repay the amount. When the bank officials verified the title deeds, they found that they were not genuine. The Bank also learnt that Nagasubramanian had availed loan from other financial institutions for the same property. Thus, the Bank was cheated of Rs.8,60,000/-, hence the FIR.

5. Since the complaint which form the basis of the FIR discloses commission of cognizable offence, the same cannot be quashed in the light of the law laid down by the Hon'ble Supreme Court in Bajanlal Vs. State of Haryana [AIR 1992 SC 604].

6. In view of the above, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

ds

To:

1.The Sub Inspector of Police,
Central Crime Branch, Team XV,
Egmore, Chennai - 600 008.

2.The Public Prosecutor
High Court, Madras. सत्यमेव जयते

Copy to

The Assistant Registrar (Crl.side)
High Court, Madras

(directed to send the original records to the
XI Metropolitan Magistrate Court, Saidapet,
Chennai-15 through a special messenger forthwith.)

Crl.OP.No.9442 of 2011

MP (CO)
kk 24/11