IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P. No.27055 of 2010 and

M.P.Nos.1 of 2010 and 1 of 2011

Nabi Subramanian ... Petitioner

vs.

1.State by
Inspector of Police
Central Crime Branch
Team XV
Egmore Chennai 8

2.The Senior Manager
Bank of Baroda
No.6 Devaraj Mudali Street
Sowcarpet, Chennai 600 003. ... Respondents

[R2 impleaded as per order of the Court dated 21.03.2011]

Criminal Original Petition filed under Section 482, Cr.P.C. to call for the records in FIR in Cr.No.408 of 2008 dated 23.06.2008 on the file of the respondent police and quash the same against the petitioner.

For petitioner Mr.K.J.Saravanan

For respondent Mr.C.Emalias,
Additional Public Prosecutor, for R1

ORDER

This petition has been filed to call for the records in FIR in Cr.No.408 of 2008 dated 23.06.2008 on the file of the respondent police and quash the same against the petitioner.

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

3. On the complaint lodged by the Senior Manager, Bank of Baroda, Sowcarpet, the police have registered a case in Cr.No.408/2008 on 23.06.2008 u/s 463, 467, 483, 471 r/w 34 IPC against K.Nabi Subramanian, Arun Kumar Guptha and Prakash G. Shukla, challenging which Nabi Subramanian is before this Court.

4. It is alleged by the Bank that M/s Perfect Meters Pvt Ltd. requested for sanction of certain credit facilities and after processing the request on merits, cash credit facility of Rs.1 lakh was sanctioned to the said Company on 11.02.2004. Subsequently, the Company requested to increase the credit facility to Rs.8 lakhs and offered immovable property belonging to K.Nabi Subramanian (A1/petitioner) as collateral security. The Bank accepted the property documents and sanctioned the credit facility to M/s Perfect Meters Private Ltd. M/s Perfect Meters Private Ltd. defaulted in repaying the amount and therefore, the Bank decided to initiate action for default of payment of dues. At that time, when the Bank officials and panel Advocates scrutinised the documents that were submitted by K.Nabi Subramanian as collateral security, it was found to contain several glaring discrepancies, which had been narrated in detail in the FIR. Thus, the Bank suspected that the parties have given bogus documents and have obtained credit facilities and therefore, the present complaint has been lodged by the Bank.

5. Since the FIR discloses the commission of a cognizable offence, the same cannot be quashed, in the light of the law laid down by the Supreme Court in State of Haryana v. Bhajan Lal [AIR 1992 SC 604].

In the result, this petition is dismissed and the respondent police is directed to proceed further with the investigation in Cr.No.408 of 2008 and take action in accordance with law. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Inspector of Police
Central Crime Branch
Team XV
Egmore Chennai 8.

2.The Public Prosecutor,
High Court, Madras.

krd 11/11