

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2016

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THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Cr1.O.P.No.8810 of 2016

1.David
2.Rengarajan
3.G.Padmanaban

...Petitioners

Vs.

1.The Superintendent of Police,
Perambalur District.

2.The Inspector of Police
Mangalamedu Police Station,
Perambalur District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct the respondents 1 and 2 not to harass the petitioners on the pretext of the false complaint preferred against them, who have done their official duty in accordance with SARFAESI Act and not to interfere in connection with the issue involved in O.A.No.439 of 2015, pending before the Debt Recovery Tribunal No.II, Chennai, between the complainant and the bank i.e., the petitioners.

For Petitioners : Mr.R.Murugan

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

O R D E R

This Criminal Original Petition has been filed praying to direct the respondents 1 and 2 not to harass the petitioners on the pretext of the false complaint preferred against them, who have done their official duty in accordance with the SARFAESI Act, and not to interfere in connection with the issue involved in O.A.No.439 of 2015, pending before the Debt Recovery Tribunal No.II, Chennai, between the complainant and the bank i.e., the petitioners.

2. Heard the learned counsel appearing for the

petitioners and the learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that these petitioners are Senior Officers of State Bank of India, Perambalur Branch, which had granted loan to the tune of Rs.1,20,00,000/- to one Palaniyandi, for which his family members viz., Ammasi, mother of Palaniyandi and Maruthayee, sister of Palaniyandi, stood as guarantors. Since the said Palaniyandi did not repay the loan amount, the officers of the Bank initiated action under the SARFAESI Act, as aggrieved by which, Ammasi, mother of Palaniyandi, filed a private complaint Crl.MP.No.1738 of 2016 under Section 156(3) Cr.P.C., against the officers, based on which, the learned Judicial Magistrate, Perambalur, by an order dated 05.03.2016, has directed the police to register an FIR. Challenging the said order passed by the Judicial Magistrate, Perambalur, the petitioners have preferred a petition in Crl.OP.No.9571 of 2016, in which, today this Court has granted stay of all further proceedings on the complaint lodged by the second respondent, Ammasi (in Crl.OP.9571 of 2016).

4. In view of the above, the respondent Police is directed not to harass the petitioners.

With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Perambalur District.

2.The Inspector of Police
Mangalamedu Police Station,
Perambalur District.

3.The Public Prosecutor
High Court, Chennai.

Crl.O.P.No.8810 of 2016

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