

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2017

CORAM

THE HON'BLE Mr. JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.6677 of 2013

Enoch

... Petitioner

... Vs ...

1. Inspector of Police,
S-7, Madipakkam Police Station,
Chennai.
Crime No.2241/2012.

2. The Branch Manager,
Axis Bank (Madipakkam Branch),
No.2, Medavakkam High Road,
Madipakkam, Chennai - 600 091.

... Respondents

(Impleaded the 2nd respondent as per
the order of this Court dated
23.02.2017 in Crl.M.P.No.2651 of
2017)

Prayer:- Criminal Original Petition filed under Section 482 of
Cr.P.C. to pass an order withdrawing the FIR in Crime No.2241 of
2012 from the file of the first respondent and transfer it to
CBCID or any other agency this Court may deem fit.

For Petitioner : Mr.A.E.Lakshmi Narayanan

For R-1 : Mr.B.Ramesh Babu,
Government Advocate (Crl.Side)

For R-2 : No Appearance

O R D E R

This Criminal Original Petition is filed to pass an order
withdrawing the FIR in Crime No.2241 of 2012 from the file of
the first respondent and transfer it to CBCID or any other
agency.

2. The learned counsel appearing for the petitioner submitted that the petitioner is running a business under the name and style of Suguna Chicken Centre and he is a distributor and he was approached by one Narayanan, who promised to arrange funds to develop the business with an overdraft facilities of Rs.20,00,000/-. Three persons have been named in the complaint viz., Narayanan, Karthikeyan and Santhosh. Believing the words of Narayanan, the petitioner has given a cheque to him for a sum of Rs.10,00,000/- for opening an account in the second respondent-Axis Bank and subsequently, the petitioner found that the amount has been withdrawn by using ATM elsewhere and has made allegation that the said Narayanan, who represented himself as the staff of the second respondent-Axis Bank, has withdrawn the said amount. While Karthikeyan is working as a Manager in the second respondent-Axis Bank, the petitioner has preferred a complaint in CSR No.296 of 2010 that the said amount has been withdrawn in ATM and has alleged that there is a criminal conspiracy between all the three viz., officials of the second respondent-Axis Bank. Since the investigation is not moving in a satisfactory speed, the petitioner has approached this Court on two occasions and directions have been issued in Crl.O.P.No.6171 of 2011, on 28.03.2011 and in Crl.O.P.No.24015 of 2012, on 07.12.2012.

3. When the matter is taken up today, the Inspector of Police, S-7 Madipakkam police station, has filed counter affidavit stating that based upon his preliminary enquiry, the accused Narayanan and Santhosh are still at large and they are not employees of the second respondent-Axis Bank and on his preliminary enquiry, it seems that they have shown a fake identity card of Axis bank. However, the fact that the other person Karthikeyan is working in the second respondent-Axis Bank and said to have guided them to open an account found to have committed some lapse in not verifying the credits of the documents thoroughly at the time of opening the account. Based upon that, the petitioner also moved the bank ombudsman and it was closed on the ground of limited jurisdiction.

4. The learned Government Advocate (Crl.Side) submitted that the Inspector of Police, S-7 Madipakkam police station, has summoned the petitioner for further investigation to establish the link and involvement of Karthikeyan in the cheating and the imposter Narayanan and Santhosh are still at large. The Inspector of Police through the learned Government Advocate (Crl.Side) has submitted that if the petitioner/de facto complainant co-operates for investigation, he will complete the investigation within a period of three months.

5. Considering the fact that the case is of the year 2013 and the investigation is at preliminary stage and also the fact

that the petitioner's counsel will instruct his client namely, the petitioner/Enoch to co-operate with the investigation by the first respondent, the first respondent police is directed to complete the investigation within a period of three months as stated by him through the learned Government Advocate (Crl.Side). It is open to the petitioner to move an appropriate application as per law.

6. This Criminal Original Petition shall stand disposed of on the above lines.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
S-7, Madipakkam Police Station,
Chennai.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.A.E.Lakshminarayanan, Advocate SR.No.46726

GJ(CO)
GN(06/07/2017)

Crl.O.P.No.6677 of 2013

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