

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.21367 of 2018
& Crl.M.P.No.11639 of 2018

R.Santhanam

..Petitioner

Vs

1. State Rep.by

The Inspector of Police,
Central Crime Branch - I
Vepery, Chennai.

2. P.K.Kumaradevan

..Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records in and connected with FIR No.196 of 2018 dated 17.05.2018 on the file of the first respondent and to quash the same.

For Petitioner : Mr.Rajarathinam
For Respondent : Ms.M.Prabhavathi
Addl. Public Prosecutor for R1

O R D E R

On the complaint lodged by one Kumaradevan, the respondent police have registered a case in Crime No.196 of 2018 dated 17.05.2018 under Section 409 and 120B IPC against three accused viz., 1. Sekar, Chief Manager, Indian Overseas Bank, Sriram Nagar Branch, 2. Rajaram, Senior Manager, Indian Overseas Bank, Rajaji Bhavan Branch 3. Santhanam, Former General Manager, Indian Overseas Bank (Retired).

2. It is the case of the defacto complainant that he has financial dealing with Santhanam/A3 and he has entrusted certain blank cheques to Santhanam. However, it is contended that the debt was repaid to Santhanam and there was no money due to Santhanam. It is the further case of the de-facto complainant that he is running a company by name Red Planet Consulting Private Limited and it has current account No.27 with Indian Overseas Bank, Rajaji Bhavan Branch; that the defacto complainant had to transfer huge amount of Rs.90.00 lakhs to an U.S. based company to meet certain business obligations; that the defacto complainant was making arrangement for the fund and told about that to the Branch Manager of Rajaji Bhavan Branch,

Indian Overseas Bank in confidence and that amount will be deposited on 31.01.2017 and the said sum should be re-transferred to the account of his customer; however, Rajaram/A2, Chief Manger secretly shared the information with Santhanam/A3; A3 filled-up the blank cheque which was entrusted to him by the defacto complainant for a sum of Rs.75 lakhs and presented the same on 30.07.2017; on 30.07.2017 there was insufficient funds in the bank account of the complainant; on 31.07.2017 one Chandrasekaran, Clerk to whom A3 had handed over the cheque, went on leave; Chandrasekaran handed over the said cheque to one Padmavathy on 31.07.2018. The complainant transferred huge amounts into his account for onward transferring to his U.S. based client. But, instead of transferring the amount to the U.S. based client, the bank officials had connived to transfer the amount into the account of A3. Hence, the complaint and the consequent FIR.

3. Mr.Rajarithnam, learned counsel appearing for the petitioner/A3 submitted that the defacto complainant owed money to A3 and it was the defacto complainant, who had issued the cheque in question. Therefore, there is no question of cheating the defacto complainant. He emphasised that when the defacto complainant had a subsisting debt, then the encashment of money via the cheque signed by the defacto complainant cannot amount to cheating.

4. Per contra, on a perusal of the case diary, it is seen that the entire transaction has taken place in a very hurried manner. It is the assertion of the defacto complainant that there is no due amount payable to A3. Thus, it is the assertion of A3 that Rs.75 lakhs was due to him, which assertion is being denied by the defacto complainant. This Court cannot go into the disputed questions of fact in a petition under Section 482 Cr.P.C. for quashing FIR.

5. Hence, this petition is closed with a direction to the Assistant Commissioner of Police, CCB, Vepery, Chennai to monitor the investigation in Crime No.196 of 2018 by analyzing all the records produced by both parties and complete the same expeditiously and either file a closure report or a final report as the case may be. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

pns/rts

To

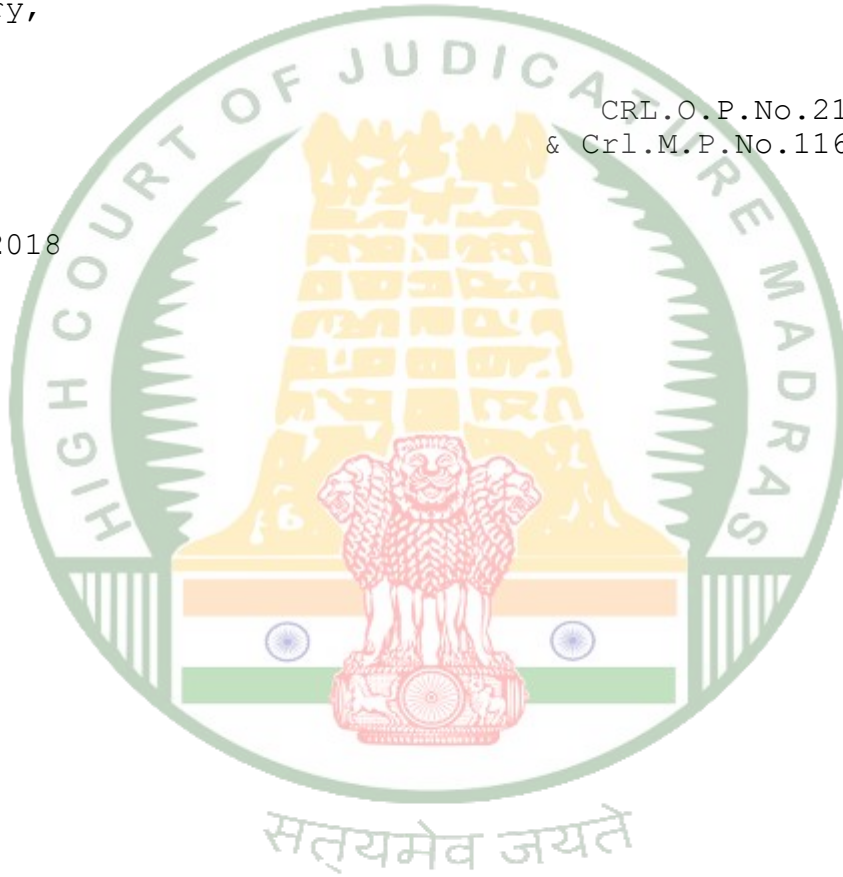
1. The Inspector of Police,
Central Crime Branch - I
Vepery, Chennai.

2. The Public Prosecutor,
High Court, Madras.

3. The Assistant Commissioner of Police,
CCB, Vepery,
Chennai.

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nr 28/09/2018



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