

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.12360 of 2018

M.Thiagarajan

... Petitioner

Vs.

1 Joint Director of CBI
Head of Zone
Chennai Zone
III Floor, EVK Sampath Building
College Road, Chennai-600 014.

2 The Deputy General Manager
The Federal Bank Ltd
No.30, Bhattad Toweres
1st Floor, West Cott Road,
Royapettah, Chennai-600 014

3 The Branch Manager
The Federal Bank Ltd
No.1, Beemasena Garden,
Royapettah High Road
Mylapore, Chennai-600 004.

4 Ponnammal ... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to issue suitable direction to first respondent to register a case against the respondents 2 to 4 for their criminal act punishable under Section 420, 467, 471, 120 B, 406 & 409 of IPC and investigate and deal with them in accordance of law or to give suitable direction to any other competent agency to register a case and deal with them in accordance of law.

For Petitioner : Mr. Abdul Kader

For Respondent-1: Mr. K. Srinivasan

Special Public Prosecutor for CBI

ORDER

This Criminal Original Petition is filed seeking for a direction to CBI to investigate the alleged fraud of land grabbing and availing loan based on fake documents.

2 The contention of the learned counsel for the petitioner is that one Ponnammal and her son have created bogus documents in respect of petitioner's property and had availed bank loan of Rs.1,90,00,000/-. In respect of the said encroachment, it is also submitted by the learned counsel that already a complaint was lodged before CCB, Chennai and registered as crime No.27 of 2006 for the offences under Section 419, 466, 468 r/w 471, 420 r/w 120 b IPC. The said case, after investigation has culminated into final report on file of the Court of the Judicial Magistrate, Alandur on 03.08.2005. However, there is some lack in the investigation. Re-investigation was ordered under Section 173(8) of Cr.P.C and the same is pending.

3 In the said circumstances, directing CBI to investigate the case from the bank fraud angle may not be a proper and fair. Change of investigating agency will not do complete justice. Therefore, this Court finds no necessity to direct CBI to take up the investigation in the given circumstances. It is for the petitioner to participate in the re-investigation ordered by the Trial Court. It is also seen from the records that the petitioner has filed intervening application on the file of the Judicial Magistrate, Alandur in C.C.No.383 of 2012.

4 Hence, the petitioner herein shall work out his remedy in the pending proceedings and no different investigation agency need be entrusted to investigate the matter. Hence, this Criminal Original Petition is disposed of with the above observation.

Sd/-
Assistant Registrar (CS VII)

//True copy//

सत्यमेव जयते
Sub Assistant Registrar

rp1

To

- 1 The Joint Director of CBI
Head of Zone
Chennai Zone
III Floor, EVK Sampath Building
College Road, Chennai-600 014.

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2 The Special Public Prosecutor for CBI cases,
High Court, Madras.

+3cc's to Mr.P.D.Dilli Babu, Advocate SR.No.34585

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GN(11/06/2018)



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