

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.18269 of 2018 and
Crl.M.P.No.9574 of 2018

P.Ragunathan

... Petitioner

Vs

1. The State

Rep. by the Inspector of Police,
City Crime Branch,
Coimbatore.

2. V.Sridhar,

Chief Manager,
State Bank of India,
R.S.Puram Branch,
No.132, Bashyakaralu Road East,
R.S.Puram,
Coimbatore.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records relating to the impugned FIR in Crime No.28 of 2018, on the file of the 1st Respondent police and quash the same.

For Petitioner : Mr.N.Manokaran

For R1 : Mr.C.Iyyapparaj
Addl. Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.28 of 2018, on the file of the 1st Respondent police and quash the same.

2. On the complaint lodged by the Chief Manager, State Bank of India, the first respondent police have registered a case in Crime No.28 of 2018 on 29.05.2018 under Sections 468, 471 and 420 of IPC against P.Ragunathan (A-1), for quashing which, this petition has been filed.

3. Heard Mr.N.Manokaran, learned counsel for the accused and Mr.C.Iyyapparaj, learned Additional Public Prosecutor for the first respondent State.

4. Mr.N.Manokaran, learned counsel for the accused submitted that the allegations in the FIR do not make out a prima facie case inasmuch as, the accused had borrowed money from the Bank for purchasing buses and the accused had admittedly defaulted in paying the dues, however, the accused had moved the Debts Recovery Tribunal against the Bank.

5. This Court perused the case diary, which shows that the accused had obtained loans in respect of the same buses from various Banks by manipulating the R.C. books, etc. Thus, this Court finds that, there are prima facie materials for investigation in Crime No.28 of 2018, to proceed further. Though the buses have been recovered, further investigation is necessary as there are allegations of fabrication of records.

6. In the result, this petition stands dismissed, with a direction to the Assistant Commissioner of Police, to monitor the investigation in Crime No.28 of 2018. The respondent Police is directed to complete the investigation expeditiously. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

gms/mkn

To

1. The Inspector of Police,
City Crime Branch,
Coimbatore City,
Coimbatore District.

2. The Public Prosecutor,
High Court, Madras.

3. The Assistant Commissioner of Police,
City Crime Branch,
Coimbatore.

+ 1 cc to MR. N. Manoharan, Advocate Sr.51560

CRL.O.P.No.18269 of 2018

(CS-DR)
EU(21/08/2018)