

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2018

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.19678 of 2018

S.Loganathan

...Complainant

/Vs/

1. Joint Director,
Central Bureau of Investigation,
South Zone, Chennai-6.
2. Director,
Directorate of Vigilance and Anti-Corruption
Alandur, Chennai. ...Respondents

PRAYER: Criminal Original Petition filed under section 482 of Cr.P.C., directing the 1st respondent herein to register a case on the basis of the complaint dated 22.11.2017 forwarded by the 2nd respondent herein.

For Petitioner :Mr.S.Kingston Jerold

For 1st Respondent:Mr.K.Srinivasan
Special Public Prosecutor
for CBI Cases

For 2nd Respondent: Mr.K.Prabakar
Additional Public Prosecutor
(V & AC)

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O R D E R

The petition has been filed by the petitioner to direct the first respondent herein to register a case on the basis of the complainant dated 22.11.2017 forwarded by the second respondent herein.

2. Heard both sides.

3. Mr.S.Kingston Jerold, the learned counsel appearing for the petitioner would submit that the complaint dated 22.11.2017 has been preferred by the petitioner against the officials of Axis Bank in respect of action taken by them against the petitioner under the SARFAESI Act. The petitioner had made

allegations against the officials of the Bank as well as the officials of the District Collectorate, Trichy for the offences of land grabbing, criminal conspiracy, criminal misconduct, fraud, forgery and criminal breach of trust. The petitioner had in the complaint sought for taking lawful action against the above persons for the offences under Sections 120(B) IPC r/w 406, 408, 409, 468 and 471 of IPC and offences under Section 13 (1)(d) of Prevention of Corruption Act and since no action has been taken by the respondent on the complaint, the petitioner has approached this Hon'ble Court seeking relief for registering the case.

4. Mr.K.Prabakar, the learned Additional Public Prosecutor (V & AC) on instruction from the 2nd respondent would submit that the complaint had been received by the second respondent on 29.11.2017. The 2nd respondent has by letter dated 14.12.2017 forwarded the complaint to the Joint Director of CBI, South Zone, Chennai - 6. However, in the letter at para 3, the 2nd respondent has stated that the allegations mentioned in the petition do not disclose any specific information of cognizable offence under the Prevention of Corruption Act.

5. Mr.K.Srinivasan, the learned Special Public Prosecutor for CBI cases on instruction from the 1st respondent would submit that the first respondent had not caused any enquiry on the complaint having found that there was no material warranting them to take action and thereby, they have forwarded a copy of the complaint to the Fraud & Prevention Cell of Axis Bank Limited by letter dated 24.01.2018 vide letter in Reference No.C6/CA/2018/46. Further, they have also forwarded another copy of complaint to the District Collector, Tiruchirapalli District on 11.06.2018, vide reference No.C6/CA/2018/4229. He would further submit that since the first respondent has felt that the complaint did not disclose commission of any offence, they have forwarded the complaint to the appropriate authority.

6. Taking into consideration the submissions made by the learned counsels, the petition stands closed. However, the petitioner is at liberty to either approach the District Collector, Trichy or the concerned Judicial Magistrate invoking appropriate procedures contemplated under the Code of Criminal Procedure for appropriate relief. With this observation, this petition is disposed of.

s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

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To:

1. The Joint Director,
Central Bureau of Investigation,
South Zone, Chennai-6.
 2. The Director,
Directorate of Vigilance and Anti-Corruption
Alandur, Chennai.
 3. The Special Public Prosecutor for CBI Cases,
High Court, Chennai.
 4. The Additional Public Prosecutor for V & AC Cases,
High Court, Chennai.
- +1 CC to Mr.S. Kingston Jerold, advocate sr 56963

Cr1.O.P.No.19678 of 2018

SV(CO)
SP(11/09/2018)



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