

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26918 of 2018

M/s.Indian Bank,
Rep by its DGM Mrs.Zaphia Fareed,
Thousand Lights Branch,
Thousand Lights,
Chennai - 600 006.

.. Petitioner

Vs

State by
The Inspector of Police,
Central Crime Branch-I, Team-V,
Vepery, Chennai - 600 007.

.. Respondent

Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the first respondent police to return the documents received by them under acknowledgment vide their letter dated 01/02/2018 in Crime No.14 of 2018 on the file of respondent.

For Petitioner : Mr.Sunder Mohan

For Respondent : Mr.C.Raghavan

Government Advocate (Crl. Side)

O R D E R

This petition has been filed seeking for a direction to the respondent police to return the documents received by them during the course of investigation in Crime No.14 of 2018.

2. The petitioner is a Nationalized Bank. One of the borrowers had borrowed monies and executed certain documents, for the purpose of obtaining loan. Based on the complaint given by one Remibai Jeppiar, the respondent police registered an FIR in Crime No.14 of 2018 for alleged offences under Sections 420, 465, 467, 468, 471, 506(i) and 120-B of IPC. In the course of the proceedings, the petitioner bank was directed to produce certain original documents, which were part of the loan documents. On 30.01.2018, the petitioner bank handed over the original documents sought for by the respondent police.

3. It is seen from the records that subsequently, there was

a compromise between the parties and Crl.O.P.No.8276 of 2018 was filed before this Court, seeking to quash the FIR on the ground that the parties have entered into a compromise. This Court recorded the joint affidavit filed by the parties and quashed the FIR in Crime No.14 of 2018, by an order dated 25.07.2018.

4. After the quashing of the FIR, the petitioner bank had sent a letter dated 09.10.2018 to the respondent police requesting them to return the documents that was collected from the petitioner, in the course of investigation. These documents are part of the loan documents and therefore, it became necessary for the petitioner bank to collect those documents. The representation was also received by the respondent police and in spite of the same, the documents were not handed over to the petitioner. Therefore, the present petition has been filed before this Court.

5. In view of the fact that the FIR has already been quashed by this Court by an order dated 25.07.2018, there is no requirement for the respondent police to retain the documents. The respondent police ought to have return back the documents to the petitioner bank immediately on receipt of the representation. However, the same has not been done.

6. This Criminal Original Petition is disposed of with a direction to the respondent police to return back the documents received by them by letter dated 01.02.2018, from the petitioner bank, within a period of two weeks from the date of receipt of a copy of this order.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ssr/ub
To

1. The Inspector of Police,
Central Crime Branch-I, Team-V,
Vepery, Chennai - 600 007.

2.The Government Advocate,
High Court, Madras.

+1 cc to M/s.Sunder Mohan, Advocate Sr.No.79083

CSL/26.11.2018

Crl.O.P.No.26918 of 2018