



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE P.N.PRAKASH**

Cr1.O.P.(MD) Nos.1917, 1919 & 1921 of 2018

Ramesh ... Petitioner in Cr1.O.P.(MD) No.1917 of 2018  
Yamuna ... Petitioner in Cr1.O.P.(MD) No.1919 of 2018  
K.Pitchaimani ... Petitioner in Cr1.O.P.(MD) No.1921 of 2018

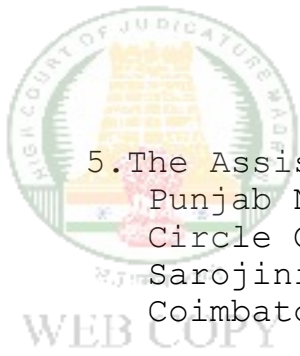
vs.

1.The Joint Director and Head Zone  
Central Bureau of Investigation Office  
III Floor, E.V.K.Sampath Building  
College Road, Chennai-600 006

2.The Joint Director  
The Special Crime Branch Department  
Central Bureau of Investigation Office  
'A' Wing III Floor, Rajaji Bhavan  
Besant Nagar, Chennai-600 090

3.The General Manager  
Punjab National Bank (PNB)  
Head Office, No.7, Bhikaji Cama Place  
Africa Avenue Behind EIL  
New Delhi, Delhi-110 066  
Delhi-110 066

4.The Assistant General Manager  
Punjab National Bank  
Regional Office  
Dr.Radhakrishna Salai  
Jaga Dam Hal Colony  
Durgapuram, Mylapore  
Chennai-600 004



5.The Assistant General Manager  
Punjab National Bank  
Circle Office, Kanda Enclave  
Sarojini Street, Ram Nagar  
Coimbatore-641 009

6.The Manager  
Punjab National Bank  
Periyakulam Main Road  
Theni, Theni District-625 531

7.Karpagam  
W/o.Vivahar  
'Sun Shine' Company - Guru Garden'  
Chathirapatti Main Road  
Little Kingdom School Opposite  
Chathirapatti, Veerapandi Post  
Aranmanaiputhur  
Theni District

8.Vivahar  
'Sun Shine' Company - Guru Garden'  
Chathirapatti Main Road  
Little Kingdom School Opposite  
Chathirapatti, Veerapandi Post  
Aranmanaiputhur  
Theni District

... Respondents 1 to 6 and 8 & 9 in  
all CrI.O.Ps.

9.The Manager  
Punjab National Bank  
Theppakulam Branch  
Trichy City

... 7<sup>th</sup> Respondent in  
CrI.O.P.(MD) No.1917 of 2018

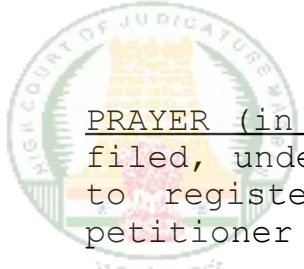
10.The Manager  
Punjab National Bank  
Cantonment Branch  
Trichy City

... 7<sup>th</sup> Respondent in  
CrI.O.P.(MD) No.1919 of 2018

11.The Manager  
Punjab National Bank  
Nandhikovil Branch  
Trichy City

... 7<sup>th</sup> Respondent in  
CrI.O.P.(MD) No.1921 of 2018

PRAYER (in CrI.O.P.(MD) No.1917 of 2018): Criminal original petition filed, under Section 482 Cr.P.C., to direct the respondents 1 and 2 to register the case based on the representation given by the petitioner on 10.01.2018 within a stipulated period.



PRAYER (in Crl.O.P.(MD) No.1919 of 2018): Criminal original petition filed, under Section 482 Cr.P.C., to direct the respondents 1 and 2 to register the case based on the representation given by the petitioner on 10.01.2018 within a stipulated period.

PRAYER (in Crl.O.P.(MD) No.1921 of 2018): Criminal original petition filed, under Section 482 Cr.P.C., to direct the respondents 1 and 2 to register the case based on the representation given by the petitioner on 10.01.2018 within a stipulated period.

For Petitioners : Mr.R.Sundar  
(in all Crl.O.Ps.)

For Respondents : Mr.N.Nagendran  
(in all Crl.O.Ps.) Spl. Public Prosecutor for  
C.B.I.Cases for R1 & R2

### C O M M O N O R D E R

It is the case of the petitioners that Karpagam and Vivahar floated a layout and when the petitioners wanted to purchase a plot and build a house, they promised that they will arrange loan for them from Punjab National Bank and cheated them. Hence, the petitioners have given a complaint, dated 10.01.2018 to the Central Bureau of Investigation and thereafter, they have filed the present criminal original petitions, under Section 482 Cr.P.C., seeking for a direction to the Central Bureau of Investigation to register an F.I.R., against Karpagam and Vivahar based on their complaint, dated 10.01.2018.

2. In *State of W.B. vs. Committee for Protection of Democratic Rights*, reported in (2010) 3 SCC 571, the Honourable Supreme Court in Paragraph No.70 has held as follows:

"Before parting with the case, we deem it necessary to emphasise that despite wide powers conferred by Articles 32 and 226 of the Constitution, while passing any order, the Courts must bear in mind certain self-imposed limitations on the exercise of these constitutional powers. The very plenitude of the power under the said articles requires great caution in its exercise. Insofar as the question of issuing a direction to CBI to conduct investigation in a case is concerned, although no inflexible guidelines can be laid down to decide whether or not such power should be exercised but time and again it has been reiterated that such an order is not to be passed as a matter of routine or merely because a party has levelled some allegations against the local police. This extraordinary power must be exercised sparingly, cautiously and in exceptional



situations where it becomes necessary to provide credibility and instil confidence in investigations or where the incident may have national and international ramifications or where such an order may be necessary for doing complete justice and enforcing the fundamental rights. Otherwise CBI would be flooded with a large number of cases and with limited resources, may find it difficult to properly investigate even serious cases and in the process lose its credibility and purpose with unsatisfactory investigations."

3. The main allegations of the petitioners are as against three individuals, namely, Karpagam, Vivahar and Bommaiyan. The nature of the allegations falls within the domain of the ordinary criminal law to be investigated by the local Police and not by the Central Bureau of Investigation. This is not a case of interstate ramifications for this Court to order C.B.I. Investigation. The petitioners also have a remedy to approach the Ombudsman of Punjab National Bank, if they have any grievance on the Branch Manager of Punjab National Bank. Therefore, in view of the law laid down by the Honourable Supreme Court in the above cited decision, this Court is of the view that this is not a fit case in which C.B.I. Investigation can be ordered.

4. In the result, all the criminal original petitions are closed with liberty to the petitioners to workout their remedies in the manner known to law.

Sd/-  
Assistant Registrar(ADI)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The Joint Director and Head Zone,  
Central Bureau of Investigation Office,  
III Floor, E.V.K.Sampath Building,  
College Road, Chennai-600 006.
  - 2.The Joint Director,  
The Special Crime Branch Department,  
Central Bureau of Investigation Office,  
'A' Wing III Floor, Rajaji Bhavan,  
Besant Nagar, Chennai-600 090.
  - 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.
- +3 ccS to M/s.R.Sundar, Advocate, SR.Nos.47020, 47021,47022  
krk  
RL/7C/4P/JC/SAR1/27/2/2018

Cr1.O.P.(MD) Nos.1917, 1919 &  
1921 of 2018  
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