



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.2952 of 2018

N.Ramasamy

: Petitioner

-Vs-

1.The Commissioner of Police,
(O/o. the Commissioner of Police),
Tirunelveli District.

2.The Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Bureau,
Shasthri Bhavan,
Chennai.

3.The Inspector of Police,
Central Crime Branch,
Tirunelveli.

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to direct the second respondent to register a case on the basis of the complaint given by the petitioner dated 19.01.2018.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents 1&3 : Mrs.S.Bharathi,
Government Advocate (Crl.side)

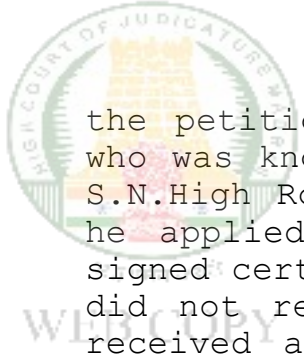
For Respondent No.2 : Mr.S.Vijayan,
Special Public Prosecutor for CBI Cases

O R D E R

It is seen that the petitioner has given a complaint dated 19.01.2018 and has thereafter, filed the present application for a direction to the respondent police to register an F.I.R.

2. At the outset, this petition is not maintainable, in view of the law laid down by this Court in Sugesan Transport Pvt. Ltd., v. the Assistant Commissioner of Police, J2 Adyar Police Station, Chennai and another reported in 2016(5) CTC 577.

3. However, the learned counsel for the petitioner brought attention of this Court to the complaint dated 19.03.2016 given by the petitioner to the Chief Manager, State Bank of India, wherein



the petitioner has stated that he was introduced by one Rajkumar, who was known to him and who is a customer in State Bank of India, S.N.High Road Branch; that as per the advice of the said Rajkumar, he applied for SBI Asset Backed loan on 07.11.2014 and that he signed certain documents and submitted the same to the bank; that he did not receive any loan amount from the bank, but, however, he received a demand notice dated 15.12.2014 asking him to repay a certain amount of loan; that he was surprised to receive the said notice and when he contacted the bank officials, he learnt that the said Rajkumar had received the loan amounts on his behalf and had cheated him. In this regard, the petitioner has given a complaint in respect of an incident which came to his knowledge admittedly as early as December, 2014, only on 19.03.2016, which itself makes this Court doubt about the very bona fide of the petitioner.

4. Be that as it may, the Inspector of Police, District Crime Branch, Tirunelveli has conducted an enquiry on the complaint given by the petitioner and during enquiry, it is found that it was the petitioner who had obtained the said loan from the bank and had executed the documents. It is further stated that the petitioner had not deposited the title deeds of the property as required by the bank and the matter is now seized with the Debts Recovery Tribunal. A copy of the closure report is also furnished to the learned counsel for the petitioner across the bar. This Court is satisfied with the enquiry conducted by the Inspector of Police, District Crime Branch, Tirunelveli and hence, no direction requires to be given to the police to register an F.I.R.

5. In *State of West Bengal v. Committee For Protection of Democratic Rights* [2010(3) SCC 571], the 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."

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6. In such view of the matter, this Court is of the view that this is not a fit case in which the direction sought for by the petitioner can be granted.

7. In the result, this petition is devoid of merits and accordingly, the same is dismissed.

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The Commissioner of Police, (O/o. the Commissioner of Police), Tirunelveli District.
- 2.The Superintendent of Police, Central Bureau of Investigation, Anti Corruption Bureau, Shasthri Bhavan, Chennai.
- 3.The Inspector of Police, Central Crime Branch, Tirunelveli.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- 5.The Special Public Prosecutor for CBI Cases, Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.S.M.A.Jinnah, Advocate, SR.No. 51479

Order made in
CRL.O.P.(MD)No.2952 of 2018
Dated: 26.02.2018

SML

AM/SV MMS/SAR 4/09.03.2018/3P/7C