



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2018

CORAM

WEB COPY

**THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

Crl.O.P.(MD)No.2842 of 2014  
and  
M.P.(MD)No.1 of 2014

A.V.C.Mohan

... Petitioner/Accused No.1

**-Vs-**

1. The State represented by  
The Inspector of Police,  
District Crime Branch,  
Madurai District.  
(Crime No.6 of 2014)

...Respondent/Complainant

2. Thirugnana Sambandam

... Respondent/de-facto  
Complainant

**Prayer:** Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the entire records pertaining to the case in Crime No.6 of 2014, on the file of the Inspector of Police, District Crime Branch, Madurai District and quash the same.

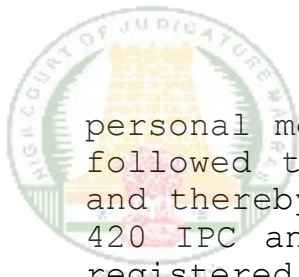
|                |                                                                |
|----------------|----------------------------------------------------------------|
| For Petitioner | : Mr.R.Anand                                                   |
| For R1         | : Mr.A.P.G.Ohm Chairma Prabhu<br>Government Advocate(Crl.side) |
| For R2         | : Mr.M.Senthil Kumar                                           |

### **O R D E R**

This petition has been filed by the accused No.1 to quash the F.I.R. in Crime No.6 of 2014, on the file of the Inspector of Police, District Crime Branch, Madurai District.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl.side) appearing for the first respondent and the learned counsel appearing for the second respondent.

3.The learned counsel for the petitioner has submitted that originally the petitioner was working as Branch Manager in Indian Overseas Bank, Thiruvathavur Branch, Madurai District and he has sanctioned loan to 26 farmers by following the bank norms, however, the second respondent who is being Chief Regional Manager, due to



personal motive gave a false complaint as if the petitioner has not followed the procedures and sanctioned loan to fictitious persons and thereby he has committed offence under Sections 120(b), 409 and 420 IPC and based on the said complaint, the first respondent has registered a case in Crime No.6 of 2014 against the petitioner herein and 26 others. He further submitted that since the petitioner has not committed any offence, the F.I.R. against the petitioner has to be quashed.

4.The learned Government Advocate (Crl. Side) has submitted that after registering the case, the first respondent has taken the matter for investigation and it is still pending.

5.The learned counsel for the second respondent has submitted that the petitioner was transferred from the Thiruvathavur Branch and he was retained in that Branch only for submitting reply to the Auditor's report and during the said period, the petitioner has surreptitiously sanctioned loan to the tune of Rs.46 lakhs to 26 persons between 22.10.2013 to 01.11.2013. He further submitted that out of 26 persons, 24 persons are fictitious persons and those persons did not produce necessary certificate from the concerned authorities. He further submitted that so far, the aforesaid loan amount was not recovered and hence the second respondent has lodged a complaint before the first respondent and the case has been registered against the petitioner herein and 26 persons. He further submitted that the petitioner has caused loss to the bank to the tune of Rs.46 lakhs and hence he strongly opposed for quashing the F.I.R. against the petitioner.

6.The case of the prosecution is that the petitioner, after he was transferred from the post of Manager, has surreptitiously sanctioned the loan to fictitious persons. The petitioner's case is that he has sanctioned loan only by following bank norms. Therefore, it is open to both parties to submit their evidence before the Investigating Officer and it is for the Investigating Officer to look into those documents and after investigation if he found that prima facie case is made out, then he has to file charge sheet against the petitioner and if the investigation reveals that the petitioner has not committed any offence then it is open to him to file a referred charge sheet in accordance with law.

7.With the aforesaid observations, this criminal original petition is disposed of. The first respondent has to complete the aforesaid exercise within three months from today. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CO)

/True Copy/



To

1. The Inspector of Police,  
District Crime Branch,  
Madurai District.

2. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+ 1 CC TO Mr.M.SENTHIL KUMAR, ADVOCATE IN SR No. 49864

GSP

TE/JC/SAR-2 : 14/03/2018 : 3P/4C

Cr1.O.P.(MD)No.2842 of 2014 and  
M.P.(MD)No.1 of 2014  
20.02.2018