



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.01.2018

CORAM:
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P. (MD)No.298 of 2016

WEB COPY

M.S.Kulanthaivel @ Muruganantham : Petitioner

-Vs-

1.The Superintendent of Police,
Central Bureau of Investigation,
BS & FC (Bank Securities & Fraud Cell),
Rajaji Bhawan, Besant Nagar,
Chennai-600 090.

2.Sivakumar

3.Nagarajan

4.The Central Bank of India,
Rep by its Chairman,
Chandramukhi,
Nariman Point,
Mumbai-400 021.

5.Central Bank of India,
Rep by its Zonal Manager,
48/49, Monteith Road,
Egmore, Chennai-600 008.

6.The Branch Manager,
Central Bank of India,
Sree Meenakshi Mills Ltd., Branch,
Vasanthanagar, TPK Road,
Madurai-625 003.

[R-2 to R-6 impleaded as per the order
of this Court dated 09.09.2016 made in
Crl.M.P.(MD)Nos.981 of 2016 and 4116 of 2016
in Crl.O.P.(MD)No.298 of 2016 respectively] : Respondents

PRAYER: Petition is filed under Section 482 of the Criminal
Procedure Code praying to direct the respondent to register the case
based upon the petitioner's complaint dated 22.11.2015.

For Petitioner : Mr.A.Kannan

For Respondent No.1 : Mr.S.Jeyakumar

Special Public Prosecutor for
CBI Cases

For Respondents 2 & 3 : Mr.T.Antony Arul Raj

For Respondents 4 to 6 : Mr.B.Rajesh Saravanan



O R D E R

At the outset, this petition is not maintainable, in the light 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.

2. However, this Court perused the complaint dated 22.11.2015 given by the petitioner to the Central Bureau of Investigation. On a reading of the complaint, it is stated that the property in Survey No.156/6 in Madakkulam, Thirupparankundram Road originally belonged to Nagarathinam Ammal; that Nagarathinam Ammal registered a Will on 30.05.1973 creating a Trust in respect of the said property; that after the death of Nagarathinam Ammal, the said property was in the enjoyment of the petitioner; that one Baskaran and his brothers Sivakumar and Nagarajan approached the petitioner for a lease of the said property for 9 years; that they had taken the petitioner to the Registrar's Office and made the petitioner to execute the lease deed for 99 years; that they had obtained a loan from the Central Bank of India by deposit of title deeds in respect of the said property; that they had not submitted the proper Encumbrance Certificates to the Central Bank of India for the loan and that the Central Bank of India ought not to have granted the loan to the said Nagarajan and Sivakumar.

3. In the opinion of this Court, the dispute essentially appears to be civil in nature, inasmuch as, according to the petitioner, he had executed a lease deed only for 9 years, but, whereas, the said Nagarajan had got it registered for 99 years in the year 2007. The loan in this case was obtained only in the year 2012. The complaint in this case has been lodged only on 22.11.2015. It was open to the petitioner to challenge the lease deed dated 26.09.2007.

4. However, the learned counsel for the petitioner fairly submitted that three Civil Suits have been filed by the petitioner in O.S.Nos.1154 of 2011, 116 of 2012 and 885 of 2014 and the same are pending in respect of the same dispute. Thus, it is clear that the petitioner has rightly challenged the lease deed in the Civil Court.

5. In such view of the circumstances, if the Branch Manager had granted loan on the property, it cannot be stated that there was a criminal conspiracy between the Branch Manager of the Central Bank of India and Sivakumar and his brothers warranting investigation by the CBI.

6. The Supreme Court in *State of West Bengal vs. Committee for Protection of Democratic Rights* [2010(3) SCC 571] has clearly stated that the High Court should not direct CBI investigation in a cavalier manner.

<https://hcservices.ecourts.gov.in/hcservices/>

7. In the opinion of this Court, the facts of the case does not



disclose the commission of a cognizable offence.

8. In the result, the petition is devoid of merits and hence, the same is dismissed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Central Bureau of Investigation,
BS & FC (Bank Securities & Fraud Cell),
Rajaji Bhawan, Besant Nagar,
Chennai-600 090.

2.The Special Public Prosecutor for CBI Cases,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.A.KANNAN, Advocate, SR.43055

+1cc to Mr.B.RAJESH SARAVANAN, Advocate, SR.43019

+1cc to Mr.T.ANTONY ARUL RAJ, Advocate, SR.43382

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