



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
Crl.O.P (MD) No.14683 of 2018

Rajamani

: Petitioner

Vs.

1.The Joint Director,
Central Bureau of Investigation (CBI),
3rd Floor, E.V.K.Sampath Building,
College Road, Chennai-600 006.

2.The Superintendent of Police,
Central Bureau of Investigation (CBI),
73, Athikulam Road,
Reserve Line, Madurai.

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register a case for an alleged offences punishable under Section 120(b), 420, 465, 467, 468, 471 and 474 of IPC on the basis of the petitioner complaint dated 25.09.2017.

For Petitioner : Mr.R.Murugappan

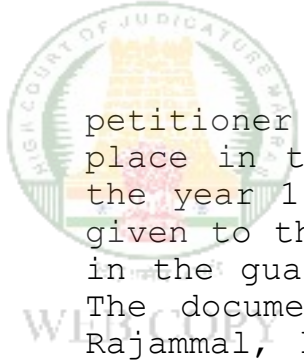
For Respondents : Mr.N.Nagarajan,
Special Public Prosecutor for CBI Cases

ORDER

This Criminal Original Petition has been filed to direct the respondents to register a case for an alleged offences punishable under Section 120(b), 420, 465, 467, 468, 471 and 474 of IPC on the basis of the petitioner complaint dated 25.09.2017.

2.Heard the learned counsel appearing for the petitioner and the learned Special Public Prosecutor for CBI Cases appearing for the respondents.

3.The allegation of the petitioner in the complaint dated 25.09.2017 is that his sister Late Rajammal had availed loan from Canara Bank Branch, Chidambara Nagar 2nd Street, Thoothukudi for purchase of the vehicle for which besides hypothecating the vehicle, she has also executed a document, wherein the petitioner, who is the brother of the loanee, stood as guarantor and the property of the



petitioner was also given as security. All these events had taken place in the year 1996. Admittedly, Rajammal, the loanee died in the year 1999. Now, after lapse of 18 years, a complaint has been given to the CBI to investigate on the allegation that the signature in the guarantee document was not the signature of the petitioner. The document was not given as security for the loan availed by Rajammal, but the document, which was given to the Bank for some other loan availed by the petitioner, has been misused and taken as security for the loan availed by Rajammal.

4.The learned Special Public Prosecutor appearing for CBI Cases would submit that the complaint dated 25.09.2017 has been forwarded to the Chief Vigilance Officer of Canara Bank to find out whether there is any criminality made out in the complaint.

5.The contention of the learned counsel for the petitioner that the complaint has to be registered and investigated against the bank officials, who have misused and abused their position, is unsustainable for the following reasons:-

The petitioner has come out with the complaint after a delay of nearly 18 years. The person, who availed the loan, is none other than the sister of the revision petitioner. She is no more and she died in the year 1999 itself. The reason for not coming out with the truth for all these years, is very obvious. Since the bankers proceeded against the petitioner for recovery of the loan availed by the deceased Rajammal, the petitioner herein has come out with a fanciful theory of alleging some dishonest and fraudulent act by the bank officials, knowing fully well that after a lapse of 18 years, nothing could be proceeded with as per his complaint. However, he has filed this complaint so as to prevent the bank from proceedings against this property, which was given as security.

6.This Court finds no reason to entertain this sought of vexatious petition. Hence, this Criminal Original Petition is dismissed.

Sd/-

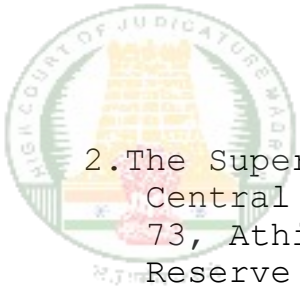
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Joint Director,
Central Bureau of Investigation (CBI),
3rd Floor, E.V.K.Sampath Building,
College Road, Chennai-600 006.



2.The Superintendent of Police,
Central Bureau of Investigation (CBI),
73, Athikulam Road,
Reserve Line, Madurai.

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

CP

DS RP SAR-1 08.10.2018 3P/4C

ORDER MADE IN
Cr1.O.P (MD) No.14683 of 2018