

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.02.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.12080 of 2015
and W.M.P.No.1 of 2015

1. S.Felix Edward,

2. A.S. Mahendran,

3. J.Anandarajan,

4. C.Mugunthan,

5. R.Amalraj,

6. J.Kumaresan,

7. T.Francis Xavier,

rep. by their General Power of Attorney Agent
Mr.E.Elavarasu

... Petitioners

Vs.

1. The Assistant General Manager/Branch Manager,
Indian Bank, Harbour Branch,
Chennai - 600 001.

2. Mr.B.Ashok Kumar,

3. Mr.Roque D'Silva

4. J.Kathiravan Prasad

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 1st respondent to lodge a criminal complaint against the respondent 2 to 4 herein before the local police station viz., Harbour Police Station, Chennai - 1 as per the office order No.45/7/04 Government of India, Central Vigilance Commission dated 05.07.2004 for the offences of criminal breach of trust and misappropriation of funds totalling Rs.11,31,949.93/-, committed in the Savings Bank Account No,432331533 standing in the name of the Indian bank Foot Ball Team Common Fund maintained with the Indian Bank of Harbour Branch, Chennai - 600 001 and to credit the said misappropriated amount together with applicable bank interest from the date of misappropriation till the date of reimbursement in the said Savings Bank Account.

For Petitioners : Mr.S.Krishnasamy
For R1 : Mr.K.V.Subramanian
For R2 : Mr.G.Nanmaran

O R D E R

This writ petition has been filed to direct the 1st respondent to lodge a criminal complaint against the respondent 2 to 4 herein before the local police station viz., Harbour Police Station, Chennai - 1 as per the office order No.45/7/04 Government of India, Central Vigilance Commission dated 05.07.2004 for the offences of criminal breach of trust and misappropriation of funds totaling Rs.11,31,949.93/-, committed in the Savings Bank Account No,432331533 standing in the name of the Indian bank Foot Ball Team Common Fund maintained with the Indian Bank of Harbour Branch, Chennai - 600 001 and to credit the said misappropriated amount together with applicable bank interest from the date of misappropriation till the date of reimbursement in the said Savings Bank Account.

2. The petitioners pray for a direction to the 1st respondent to lodge a complaint against the respondents 2 to 4 for criminal breach of trust and misappropriation of funds. Now, almost four years have been lapsed and hence, due to the lapse of period, the prayer sought for by the petitioner cannot be granted now. The petitioners are directed to submit a fresh representation to the 1st respondent within a period of two weeks from the date of receipt of a copy of this order.

3. On receipt of the said representation, the 1st respondent is directed to consider the same on merits in accordance with law and pass orders within a period of four weeks from the date of receipt of such representation.

4. With the above direction, this Writ Petition is disposed of. No Cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ssr/vsi-2

To

1. The Assistant General Manager/Branch Manager,
Indian Bank, Harbour Branch, Chennai - 600 001.

2. The Public Prosecutor, High Court, Madras.

+lcc to Mr.G.Nanmaran , Advocate SR.No. 17493

+lcc to Mr.S.Krishnasamy , Advocate SR.No. 16944

W.P.No.12080 of 2015
and W.M.P.No.1 of 2015