IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2019

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.1025 of 2012

S.Javeed Ahmed

..Petitioner/Complainant

Vs.

1.Standard Chartered Bank,
rep. by its CEO,
Reg. Office at No.90,
M.G.Road, Mumbai - 400 001.

2.Rajendran
3.V.Ramachandran
4.Parvathy
5.Nagarajan
6.Jeyamohan Rao
7.Neha Pratap
8.Karpagam Venkatesh
9.Sivam
10.Subramaniam
11.Jaspal Bindra

..Respondents/ Accused

Criminal Revision filed under Sections 397 r/w 401 Cr.P.C.,1973 praying to set aside the order of the Chief Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.529 of 2011 dated 11.07.2011.

For Petitioner : Mr.C.K.M.Appaji

For respondent No.1 : Ms.C.Shanthi Meenakshi

O R D E R

This Criminal Revision Case has been filed to set aside the order dated 11.07.2019 made in Crl.M.P.No.529 of 2011 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai.

2. The revision petitioner filed a private complaint under Section 200 Cr.P.C., in Crl.M.P.No.529 of 2011 for the offences under Sections 409, 418, 420, 424, 477A and 500 IPC r/w 120B IPC before the learned Chief Metropolitan Magistrate, Egmore, Chennai. The main contention of the revision petitioner is that

during the year 1993, the complainant's father Mohammed Saud Ali started two companies in the name and style of Shahnaz Leathers and S.B.International. During the first week of July 2005, the accused 2, 4 and 5 having known the prompt payment of the Companies, came to the complainant and represented that their Bank is charging less interest than any other Bank and more facilities are available and told him to close the account with Jammu & Kashmir Bank and to start two accounts in their Bank. They also promised that they would provide all sorts of help. As the complainant's father is not well versed either in Tamil or in English, the complainant acted in all the dealings with the Banks. As per the condition laid by the Bank, for O.C. and over all facilities, the complainant tendered three property documents worth over Rs.9.00 Crores as collateral security and two letter of Banking Agreements were entered between the complainant's father and Standard Charted Bank and the Bank sanctioned over draft facility of Rs.1.00 crore and Inland Letter of credit facilities to the tune of Rs.1.00 crore to M/s.Shanaz Leathers. Both the facilities were valid for one year from the date of signing. The first agreement was signed by A4 and A5 on behalf of the Bank and complainant's father also signed in acceptance. The second agreement was signed by A7 and A8 on behalf of the Bank and complainant's father also signed in acceptance. Apart from that, the complainant provided three residential properties as collateral security to the Bank and that the complainant was told to deposit a sum of Rs.15,00,000/- as Fixed Deposit with the Bank and the same was deposited by the complainant. The complainant was doing roaring business with the accused Bank till March 2006. To the shock and surprise of the complainant, the accused Bank did not honour the commitment and withdrew the facilities even without informing or seeking explanation from the complainant and thereafter, the complainant's business was completely shuttered. The sudden withdrawal of the facilities by the accused bank are against the norms and contrary to the rules and it is pure violation of the contract, within the specific period of one year. The Bank issued notice on 31.5.2007 and the complainant replied on 26.06.2007. Again a fresh notice was issued by the bank and the same was also replied. On 20.08.2007, the Bank, through the third accused lodged a complaint with the Commissioner of Police, Egmore, Chennai, against all the family members of the complainant and the same was registered in Cr.No.551/2007. The complainant and his family members got anticipatory bail from this Court in Crl.O.P.Nos.1508 & 2207/2010. M.O.U. Dated 24.10.2007 was drawn between A7 and the complainant's father. The complainant filed two suits in C.S.Nos.237 & 252/2008 before this Court. In the meantime, the accused Bank with malafide intention of damaging the reputation of the complainant's company and his family members, spreading rumour that the Company had misappropriated their money and the Bank had gone to the extent of publishing the same in all leading news papers. All the reputations earned by the complainant was spoiled by the audacity propaganda of the accused Bank. Having known very well that the complainant did not have any account with any other Bank except the Standard Charted Bank and all the transactions were held through their Bank and they got cheques and interest also paid from time to time and by giving a false complaint stating that the complainant did not pay a pie to the Bank, falsified the accounts and committed an offence punishable u/s 477A IPC. The accused conspired together at Chennai and Mumbai on the leadership of A11 and all of them knew fully well that they are bound to protect the interest of the complainant as Banker and failed to do so and that all the accused with intention to cheat complainant, misrepresented and gained his confidence and made him to open accounts with their Bank and as promised, did not act and even without informing the complainant withdrew the facilities and caused wrongful loss to the complainant to the tune of Rs.4 crores and also damaged the reputation of the complainant. The learned Magistrate, after hearing the case, dismissed the complaint on the ground that there was a complaint already been lodged and registered in X Cr.No.551/2007, till the disposal of the said case, the Court cannot take the complaint on file for the said offence and all the truth will come to light, if investigation is completed in X. Cr.No.551/2007. Challenging the said order, the complainant has preferred the present revision before this Court.

3. Admittedly, the respondents filed a complaint in X.Cr.No.551/2007 against the revision petitioner and the same is pending for investigation. Subsequently, the revision petitioner has filed a private complaint before the learned Chief Metropolitan Magistrate, Egmore, Chennai for the offence under Sections 409, 418, 420, 424, 477A and 5006 IPC.

4. The learned counsel for the respondents would submit that in order to take revenge, the revision petitioner filed the false complaint. But the fact remains that the respondents have filed the complaint against the revision petitioner and the same was registered in X.Cr.No.551/2007, which is pending investigation. Now, the revision petitioner filed a private complaint for the very same transaction against the respondents/Bank. The learned Magistrate rightly pointed out that the complaint was filed for the very same transaction and dismissed the complaint, which warrants no interference.

5. The learned counsel appearing for the revision petitioner would submit that there is a possibility of settlement as the settlement talk is going on.

6. The complaint was filed in the year 2011. This revision is filed in the year 2012 and the same is pending for more than 7 years. Therefore, this Court is inclined to dispose of the revision on merits.

7. It is informed by the learned counsel for the respondents that the said FIR in Crime No.551/2007 was investigated and subsequently, charge sheet in C.C.No.4080 of 2013 was laid before the learned III Metropolitan Magistrate, Chennai and the same is pending. In that case, the petitioner has filed quash petition before this Court and also discharge petition before the learned III Metropolitan Magistrate, Chennai.

8. In the circumstances, there is no reason to interfere with the order dated 11.07.2011 made in Crl.M.P.No.529 of 2011 passed by the learned Chief Metropolitan Magistrate, Egmore, Chennai. Hence, this Criminal Revision case is dismissed. The parties are directed to work out their remedy, if any, in accordance with law.

KMI

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
The Chief Metropolitan Magistrate,
Egmore, Chennai.

+1cc to Mr.K.Sumathi, Advocate, SR.No.51887

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Kak(28/08/2019)