

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 18.06.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.OP.No.12174/2019

Santhalingam

.. Petitioner/Accused

Vs

1.The Director

Central Bureau of Investigation
Flat No.5-B, 6th Floor
CGO Complex, Lodhi Road
Jawaharlal Nehru Stadium Marg
New Delhi 110 003.

2.The Superintendent of Police

Central Bureau of Investigation
Economic Offences Wing
No.4-A, Wing Rajaji Bhavan
3rd Floor, 3rd Avenue, Besant Nagar
Chennai 600 090.

.. Respondents

Prayer:- Petition filed under section 482 Cr.P.C., to direct the 2nd respondent to register a case on the basis of the complaint dated 27.12.2018.

For Petitioner : Mr.R.Vivekananthan

For Respondents: Mr.K.Srinivasan, Spl.PP [CBI]

ORDER

The above petition has been filed seeking to direct the 2nd respondent to register a case based on the petitioner's complaint dated 27.12.2018.

2 The learned counsel for the petitioner would submit that the petitioner had preferred a complaint on 27.12.2018 to the respondents against the officials in the State Bank of India, Small Scale Industries Branch, Karur, in respect of fraudulently granting loans to the extent of Rs.21 Crores, based on the property worth about Rs.1.74 Crores. He would submit that since no action was taken by the respondents, the petitioner had approached this Court by filing the present petition seeking for a direction.

3 When the matter is taken up today, the learned Special Public Prosecutor [CBI] would submit that the respondents have not taken any action on the petitioner's complaint dated 27.12.2018 and that they have returned the complaint to the petitioner vide Correspondence dated 14.06.2019 and in the said Correspondence, the respondents have stated the following reasons for not taking action:-

(1) The matter relates to a private complaint.

The CBI takes up the matters for investigation of serious frauds taking place in PSU's and other Government Organizations but the CBI does not entertain complaint of Private Persons in such type of cases.

(2) It appears from the petition and the complaint that there is a personal dispute with S.Palanisamy and others and several litigations pertaining to them are pending in the different Courts since long.

(3) A copy of your letter dated 30.05.2019 addressed to the DGM, State Bank of India has been received which encloses a letter dated 27.05.2019 of the DGM, SBI which reveals that the properties mentioned by you were discharged post settlement of loan dues by M/s.Windsor Cotton Mills Private Limited way back in the year 2011. So, clearly now the mortgage entertained by the Bank does not exist anymore and the entire matter now remains limited to the property dispute between you and S.Palanisamy.

He would also submit that the said correspondence was also sent to the petitioner by Registered Post Acknowledgment Due and the same has also been served on the petitioner.

4 Taking into consideration, the Correspondence of the respondents dated 14.06.2019 and the submission made by the learned Special Public Prosecutor [CBI], the present petition is closed, granting liberty to the petitioner to work out his remedy before the appropriate Forum in accordance with law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Director
Central Bureau of Investigation
Flat No.5-B, 6th Floor
CGO Complex, Lodhi Road
Jawaharlal Nehru Stadium Marg
New Delhi 110 003.
- 2.The Superintendent of Police
Central Bureau of Investigation
Economic Offences Wing
No.4-A, Wing Rajaji Bhavan
3rd Floor, 3rd Avenue, Besant Nagar
Chennai 600 090.
- 3.The Special Public Prosecutor
CBI Cases, Chennai.

+1 cc to M/s. R.Vivekananthan, Advocate Sr.No.50707

CSL/28.06.2019

Cr1.OP.No.12174/2019



WEB COPY