



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P. (MD) No.1696 of 2019

and

Crl.M.P. (MD) Nos.898 & 3868 of 2019

&

Crl.O.P. (MD) No.203 of 2019

and

Crl.M.P. (MD) No.59 of 2019

K.Venkatesh @ Chandru ... Petitioner in
Crl.O.P. (MD) No.1696/2019

1.M/s.National Bulk Handling Corporation Private Ltd.,
Corporate Office,
Rep. by its Chairman Dr.Vijay Kelkar,
7th Floor, 'A' Wing,
Dynasty Business Park,
Andherikurla Road,
Chakala,
Andheri (East),
Mumbai - 400 059.

2.Dr.Vijay Kelkar

3.Anil K.Choudhary

4.Mr.Maninder Sing Juneja

5.Mr.Vaibhavgujjar

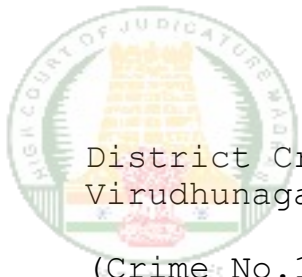
6.Mr.Rajkamal Shah ... Petitioners in
Crl.O.P. (MD) No.203/2019

Vs.

1.State rep through
The Inspector of Police,
District Crime Branch,
Virudhunagar District

...1st Respondent in Crl OP (MD)
No.1696 of 2019

2.State Rep. by
The Sub-Inspector of Police,



District Crime Branch,
Virudhunagar.

(Crime No.11 of 2018)

... 1st Respondent
in Crl OP (MD) No.203 of 2019

3.N.Anantha Krishnan,
The Branch Manager,
Lakshmi Vilas Bank,
Rajapalayam,
Virudhunagar District.

... 2nd Respondent
in Crl.O.P. (MD) No.1696/2019

4.The Branch Manager,
Lakshmi Vilas Bank,
Rajapalayam,
Virudhunagar District.

... 2nd Respondent
in Crl.O.P. (MD) No.203/2019

Prayer in Crl OP (MD) No.1696 of 2019:- Criminal Original Petitions are filed under Section 482 of the Code of Criminal Procedure, to call for the entire records connected with the proceedings in Crime No.11 of 2018, pending on the file of the first respondent Police and quash the same as illegal.

Prayer in Crl OP (MD) No.203 of 2019:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to quash the FIR in Crime No.11 of 2018 on the file of the Respondent insofar as the persons arrayed as accused No.1 to 4 and accused 11 and 13.

For Petitioner : Mr.C.Ramesh
in Crl.O.P. (MD) No.1696/2019

For Petitioners
in Crl.O.P. (MD) No.203/2019 : Mr.B.Vijay Karthikeyan

For R1 : Mr.S.Chandrasekar
in both the Crl.O.Ps. Additional Public Prosecutor

For R2 : Mr.N.Ilango
in both the Crl.O.Ps.

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the proceedings in Crime No.11 of 2018, pending on the file of the first respondent police.

<https://hcservices.courts.gov.in/hcservices/> of the prosecution is that M/s.National Bulk Handling Corporation Private Ltd. and its Executive Officials including the Directors, Managers and the employees of NBHC



conspired together with the Borrowers / Clients and created bogus documents in order to commit fraud on the Bank, thereby, caused huge financial loss to the de-facto complainant Bank.

3.I have heard the learned counsel appearing for the petitioners, de-facto complainant, the learned Additional Public Prosecutor appearing for CBI Cases and they submitted that since the Lakshmi Vilas Bank is a scheduled Bank, it is coming under the purview of Reserve Bank guidelines. But, this case was wrongly referred to the State Law Enforcing Agency, in which, A1 to A4, A11, A12 and A18 filed quash petitions before this Court and therefore, it would be appropriate to transfer the case to CBI directing them to conduct preliminary investigation. If the preliminary investigation reveals a *prima facie* case against the accused persons, the CBI may take appropriate action.

4.The learned Special Public Prosecutor appearing for CBI cases also submitted that a similar type of Bank fraud case has already been referred to the CBI, for investigation and he has no objection for the case being transferred to the CBI for fresh investigation.

5.In view of the above said submission, without expressing any opinion on the merits of the matter, this Court directs the State Law Enforcing Agency to transfer the complaint to the CBI, for fresh investigation. Therefore, the State Law Enforcing Agency is directed to hand over the entire papers to the CBI to enable them to conduct fresh investigation. Hence, the interim stay granted by this Court on 12.03.2019 in CrI.M.P.(MD)No.898 of 2019 in CrI.O.P.(MD)No.1696 of 2019 shall stand vacated.

6.In the result, these Criminal Original Petitions are disposed of. Consequently, CrI.M.P.(MD)No.898 of 2019 in CrI.O.P.(MD)No.1696 of 2019 is dismissed, CrI.M.P.(MD)No.3868 of 2019 in CrI.O.P.(MD)No.1696 is allowed and CrI.M.P.(MD)No.59 of 2019 in CrI.O.P.(MD)No.203 of 2019 is closed. However, liberty is granted to the petitioners to place all the relevant materials before the CBI, for the purpose of fresh investigation.

Sd/-

Assistant Registrar (W)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Sub-Inspector of Police,
District Crime Branch,

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



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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

4.The Inspector of Police,
District Crime Branch,
Virudhunagar.

+1cc to Mr.B.VIJAY KARTHIKEYAN, Advocate, SR.No. 64733
+2cc to M/S.NIAN ASSOCIATES, Advocate, SR.No. 64854, 64853

Cr1.O.P. (MD) Nos.1696 and 203 of 2019
30.04.2019

SMN2
KK/SAR/03.06.2019/4P-8C