IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.37 of 2019
and
Crl.M.P.No. 29 of 2019

1. B.Sasikumar
2. S.Megala ...Petitioners/Accused 1 & 3

(Crl.O.P.No.39 of 2019 was dismissed in so far as the first petitioner is concerned as per order of this Court dated 03/01/2019 and made herein)

Vs.

1.State by,
The Inspector of Police,
Bank Fraud Team - XII,
Central Crime Branch,
Vepery, Chennai - 7,

2. The Divisional manager,
ICICI bank,
No.93, Santhome High Road,
Chennai - 600 028.
...Respondents/Complainant & Defacto Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.9808 of 2017, pending on the file of the Metropolitan Magistrate, Special Court for CCB Cases and CBCID (Metro Cases), Egmore, Chennai and quash the charge sheet in so far as against the petitioners are concerned.

For Petitioners : Mr.G.Arul Murugan

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1.

ORDER

This Criminal Original Petition has been filed to call for the records in C.C.No.9808 of 2017, pending on the file of the Metropolitan Magistrate, Special Court for CCB Cases and CBCID (Metro Cases), Egmore, Chennai and quash the charge sheet in so far as against the petitioners are concerned.

2. The petitioners herein are Chartered Accountants by profession and they have obtained a loan for a sum of Rs.1,00,00,000/- from ICICI Bank, Salem Branch and failed to repay the same. The defacto complainant/ICICI Bank had lodged a complaint before the first respondent and the first respondent after detailed investigation filed a charge sheet before the learned Metropolitan Magistrate for CCB & CBCID cases for offences u/sec.120(B), 419, 467, 468, 471, 420 IPC and filed a final report in C.C.No.9808/2017 and issued summons to all the accused.

3. Thereafter by letter dated 13.03.2018, ICICI Bank branch manager has addressed a letter to the petitioners stating that outstanding dues for a sum of Rs.1,00,00,000/- (Rupees One Crore Only) has been repaid as One Time Settlement according to the terms and conditions and the same has been closed on the basis of one time settlement. The said letter has been extracted hereunder;

> Closure of credit facility consequent to one-time settlement:
>
> Dear M/s.Krishna Traders
>
> Greetings from ICICI Bank.
>
> This is to certify that outstanding dues for the credit facility of Rs.100000000/- availed from ICICI Bank (One Time Settlement) represented by Krsihna Traders has been repaid according to the terms and conditions indicated in the one-time settlement letter dated February 2, 2018 and the loan account 611905036302 for the One Time Settlement has been closed on the basis of this one time settlement.
>
> We accordingly request you to take steps for filing necessary statutory Form No. 17 with the concerned Registrar of Companies within the time as stipulated in law, for satisfying the mortgage and/or charge securing the Facility at the earliest.
>
> For any post-dated cheques and/or security post-dated cheques that remain unbanked with us respect to this Facility ("Unbaked PDCs"), please make a request for their return within 30 days from the issuance for this letter.
>
> We also request you to note that if we do not receive such a request, the unbanked PDCs in our possession shall be destroyed without any further notice and the Bank will have no obligation to return them to you.
>
> For any clarification or more information, you may write to us at customer,care@icicibank.com from your registered e-mail ID or call our Customer Care between 8.00 a.m. to 8.00 p.m
>
> Alternatively, you may visit your nearest ICICI Bank Asset Servicing Branch.
>
> Looking forward to more opportunities to be of service to you.

4. Recording the above letter, C.C.No.9808/2017 on the file of the Metropolitan Magistrate, CCB Cases and CBCID (Metro Cases), Allikulam, Chennai has been quashed and the present Criminal Original Petition stands allowed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(ADI MDU)

//True copy//

Sub Assistant Registrar

kmm

To

1. The State of Tamil Nadu,
   The Inspector of Police,
   Bank Fraud Team - XII,
   Central Crime Branch,
   Vepery, Chennai - 7,

2. The Divisional manager,
   ICICI bank,
   No.93, Santhome High Road,
   Chennai - 600 028.

3.The Public Prosecutor,
   High Court,
   Madras.

Crl.O.P.No.37 of 2019

GMY(27/07/2020)