

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.OP.No.3648 of 2020
and CrI.MP.No.2134 of 2020

N.Selvakumar

...Petitioner

-vs-

1.The Commissioner of Police,
Coimbatore City,
Coimbatore.

2.The Inspector of Police,
City Crime Branch,
Crime No.42 of 2019,
Coimbatore City.

3.S.D.Abdul Raheem
4.S.Rani
5.A.Felix Robinson
6.A.Velliangiri
7.I.Varadarajan
8.S.Mathiazhagan
9.P.Kanagamani
10.M.Kowsalya
11.N.Muthukumar
12.A.Sasikala
13.S.Iyyammal
14.Ramesh Arul Dass
15.N.Malathi
16.Vasanthamani
17.R.Saravanakumar
18.Krishnaveni
19.Balasubramaniam
20.A.Sridevi
21.R.Suresh
22.S.Vijaya

सत्यमेव जयते

WEB COPY

...Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents 1 and 2 to treat the individual complaints given by the respondents 3 to 22 as the statements under Sec.161 (3) Cr.P.C., to Crime No.42 of 2019 for investigation instead of registering second or multiple FIRs., on the subsequent complaints of similar in nature.

For Petitioner : Mr.N.Manoharan
For R1 & R2 : Mr.S.Karthikeyan
Additional Public Prosecutor
For R3 : Mr.N.Ponraj
For R4, R6 to R9,R11 to R19,
R21 and R22 : No Appearance
For R5 : Mr.C.Rajaguru
For R10 : Mr.A.Tamilarasan
For R20 : Mr.Saravana Kumar

ORDER

This petition has been filed for direction directing the respondents 1 and 2 to treat the individual complaints lodged by the respondents 3 to 22 as statements under Section 161 (3) Cr.P.C.

2.The learned counsel appearing for the petitioner would submit that all the respondents approached the petitioner to avail bank loans. Therefore, on their request, the petitioner arranged loans for them. Except this, the petitioner is nothing to do with the loan transaction and he further submitted that all the individual respondents have availed loan. They are having their responsibility to repay loan to the concerned bank. All the respondents herein are defaulters from their payment of loan installments and their accounts have become empty. Further, the bank also has taken steps to recover the amounts which were borrowed by them under SARFAESI Act. However, only to escape proceedings under SARFAESI Act, the borrowers lodged false complaints alleging various allegations individually. Even, according to the prosecution, all the respondents, viz., 3 to 22 have made similar allegations and as such there is no need to register each complaint. The 2nd respondent shall necessarily have to treat their complaints as statement recorded under Section 161 (3) of Cr.P.C. and to maintain one FIR.. As on today, three cases have been filed by the respondents in three different police station for the very set of some allegations.

3.The learned Additional Public Prosecutor would submit that the petitioner have not only arranged loan to the general public and he also opened joint account to the borrowers and treated them individually on different set of assurances. Therefore, every individual is affected and each one has different set of events as against the petitioner. Therefore, all the FIRs have

been registered on different set of allegations and different set of cause of actions and as such those complaints cannot be treated as statements and the same have to be investigated separately.

4. Heard the learned counsel appearing for the petitioner as well as the learned counsel appearing for the respondents.

5. Admittedly the petitioner arranged loan on various transactions to the respondents 3 to 22 herein. Therefore, all the respondents 3 to 22 are having different cause of actions and transactions as against the petitioner herein. Hence, this Court is not inclined to entertain this petition for treating the complaints of the respondents 3 to 22 as statements under Section 161(3) of Cr.P.C.

6. In view of the same, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

gbi

To

1. The Commissioner of Police,
Coimbatore City,
Coimbatore.

2. The Inspector of Police,
City Crime Branch,
Crime No.42 of 2019,
Coimbatore City.

3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.N.Manokaran, Advocate, S.R.No.24785

Cr1.OP.No.3648 of 2020
and Cr1.MP.No.2134 of 2020

RLD(CO)
KKV/06/08/2020