



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN
Crl.O.P.No.2107 of 2016
and Crl MP Nos.1086 & 1087 of 2016

K.Rangasamy

...Petitioner/Accused No.1

Vs.

1. The Inspector of Police,
Central Crime Branch, Team - I,
Vepery, Chennai 600 007. ...1st Respondent/Complainant
(Crime N1414/2014)

2. Dinakaran.

3. Mallika ..Respondent 2 & 3 / Accused 2
& 3

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No.3213 of 2015 on the file of the Chief Metropolitan Magistrate Court, Egmore, Chennai 600 008 and quash the same in respect of the petitioner.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mr.E.Raj Thilak

Counsel for Government

(Crl. Side) for R1.

Mr.J.Sureh Rajaram for R2 & R3

ORDER

This Criminal Original petition has been filed seeking to quash the proceedings in C.C.No.3213 of 2015 on the file of Chief Metropolitan Magistrate Court, Egmore, Chennai 600 008

2. The case of the prosecution is that the petitioner was an Assistant General manager of Bank of Baroda in the year 2010 and he was heading the Bank of Baroda Raipur Branch at Chennai. Further, he was transferred to Bank of Baroda Branch Raipur Region, during 2011 and promoted as Deputy General Manager and retired during 2013. While, he was the Branch head of Mount Road Branch, there was lot of customers and clients who were maintaining their accounts and growth of the Branch during the petitioner's tenure was competitive. While so, one Dinakaran being the customer of the Bank had developed acquaintance with the Defacto complainat. Owing to which, the defacto complaint had sanctioned a loan of Rs.1,90,00,000/- in two to three occasions to the said Dhinakaran and his Medical Agency. The defacto complainant had preferred a complaint to the respondent police that he had lent money to M/s.Dinakaran medical Agencies only at the instance of the petitioner under



the pretext of securing more interest for the money and orally assured the repayment. An FIR has been registered in Crime No.414 of 2014 under Section 406, 420 IPC r/w Section 34 of IPC.

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3. The learned counsel for the petitioner submitted that the petitioner has been falsely implicated in this case and that there is no specific overt act as against this petitioner for facilitating the transaction of lending and borrowing. The learned counsel further submitted that the confession statement made by the accused 2 and 3 cannot have any evidentiary value.

4. Mr.E.Raj Thilak, learned Counsel for Government (Crl. Side) for 1st respondent on instructions submitted that trial has already been commenced and so far, totally, two witnesses have been examined. The learned counsel further submitted that next date for hearing the case is fixed on 10.08.2021 and therefore, prays for dismissal of this criminal original petition.

5. Heard the learned counsel on either side and perused the documents placed on record.

6. It is to be noted that the Hon'ble Supreme Court in the order dated 02.12.2019 in Crl.A.No.1817 of 2019 [M.Jayanthi Vs. K.R.Meenakshi & Anr., has held that 'All that the Court should see as to whether there are allegations in the complaint which form the basis for the ingredients that constitute certain offences complained of.' Further, it is also observed that 'the question whether the appellant will be able to prove the allegations in a manner known to law would arise only at a later stage.' Taking into consideration of the fact that the grounds raised by the learned counsel for the petitioner are all factual in nature and it requires appreciation of evidence and this Court being bound by the judgement of Hon'ble Supreme Court aforementioned supra, cannot decide the same in exercise of its jurisdiction under Section 482 of Criminal Procedure Code. It is left open to the petitioner to raise all the grounds before the Court below and the same shall be considered on its own merits and in accordance with law, accordingly, this Criminal Original Petition is dismissed. Since, the calendar case is of the year 2015, the learned Chief Metropolitan Magistrate Court, Egmore, Chennai is directed to complete the proceedings in CC No.3213 of 2015 within a period of six months from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

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

Sub Assistant Registrar



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To

1. The Chief Metropolitan Magistrate Court,
Egmore, Chennai 600 008

2. The Inspector of Police,
Central Crime Branch, Team - I,
Vepery, Chennai 600 007.

3. The Public Prosecutor,
High Court of Madras,
Chennai.

Crl.O.P.No.2107 of 2016
and Crl MP Nos.1086 & 1087 of 2016

JP II(CO)
A.SK(27.10.2021)