

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.OP.No.5225 of 2021
and Crl.MP.No.3355 of 2021

Aswin Arockiaraj @ Arockia Aswin

... Petitioner

Vs.

1. The Inspector of Police,
Central Crime Branch,
Bank Fraud Investigation Wing,
Team-XII, Vepery, Chennai-7.
Crime No.16 of 2016

2. The Axis Bank,
Loan Centre
Centre Square,
No.6-A, Dr.Ambedkar Road,
Kodambakkam,
Chennai-24.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.16 of 2016 on the file of the respondent police and quash the same.

For Petitioner : Mr.J.Ramesh

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

ORDER

On consent given by either side, the main petition itself has been taken up for final hearing.

2. This petition has been filed seeking to quash the FIR in Crime No.16 of 2016 pending investigation on the file of the first respondent police.

3. Based on the complaint given by the second respondent, the second respondent registered the First Information Report against seven accused persons and the petitioner has been ranked as seventh accused. The allegation made in the complaint is that the accused persons have availed personal loan by showing fake salary slips.

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4. The learned counsel for the petitioner submitted that the entire loan amount has been repaid to the second

respondent Bank on 31.12.2016 and in order to substantiate the said submission, the learned also brought to the notice of this Court that no due certificate issued by the second respondent on 18.02.2021. The learned counsel further brought to the notice of this Court the order passed in the bail petition by the Principal Sessions Judge, Kancheepuram in Crl.MP.No.975 of 2021 wherein the Court below took into consideration the fact that the petitioner had already repaid the entire loan amount to the second respondent Bank. This fact was ascertained and confirmed when the order was passed by the Court below.

5. Heard Mr.J.Ramesh, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing on behalf of the first respondent.

6. The learned Additional Public Prosecutor submitted that when the bail petition was considered by the Court below, written objections were filed by the Inspector of Police and it was also informed to the Court that the petitioner has settled the entire loan dues.

7. Taking into consideration the facts and circumstances of the case and also of the fact that the second respondent Bank has already issued a no due certificate, this Court decided not to issue notice to the second respondent.

8. In the present case, the FIR was registered in the year 2016 and the investigation is pending till date. The petitioner has repaid the entire loan amount to the second respondent Bank and that is evidenced by the no due certificate issued by the Bank and also the order passed by the Court below in the bail petition.

9. In view of the same, no useful purpose will be served in keeping the FIR pending insofar as the petitioner is concerned.

10. In the result, the FIR in crime No.16 of 2016 pending investigation on the file of the first respondent is hereby quashed insofar as the petitioner is concerned and this Criminal Original Petition is allowed. The first respondent is directed to proceed further and complete the investigation insofar as the other accused persons are concerned and the final report shall be filed within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

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Sub Assistant Registrar

rli

To

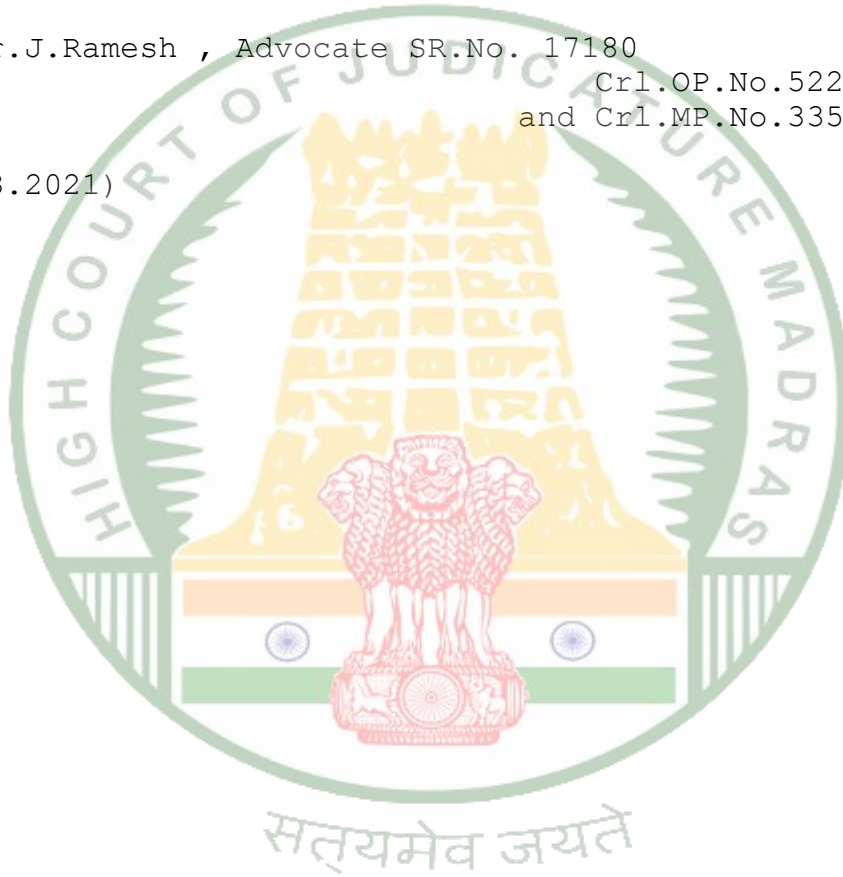
1. The Inspector of Police,
Central Crime Branch,
Bank Fraud Investigation Wing,
Team-XII, Vepery, Chennai-7.

2. The Public Prosecutor
High Court of Madras
Chennai - 600 104.

+1cc to Mr.J.Ramesh , Advocate SR.No. 17180

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A.SK(30.03.2021)



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