

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.25387 OF 2021

The State Bank of India,
Mallur Branch,
Rep. by its Branch Manager,
T.Rakesh,
Mallur, Salem District.

... Petitioner

Versus

1. The Superintendent of Police,
Salem District, Salem.

2. The Inspector of Police,
Mallur Police Station,
Salem District.

... Respondents

PRAYER:-

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Respondents herein to register the complaint dated 10.11.2021 lodged by the Petitioner and pass such further or other orders as this Court may deem fit and proper.

For Petitioner : Mr.J.Pothiraj

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the Respondents herein to register the complaint dated 10.11.2021 lodged by the Petitioner.

2. The grievance of the Petitioner is that the Petitioner earlier lodged a complaint dated 02.07.2011 against one S.Arumugam, for which C.S.R.No.257 of 2011 was assigned, thereafter, no action has been taken and hence another complaint

dated 03.11.2016 was lodged to the Deputy Superintendent of Police, as the same also did not evoke any response, another complaint dated 10.11.2021 has been lodged before the first respondent, even the said complaint also kept pending without any action, the present Criminal Original Petition has been filed.

3. The gist of the complaint is that one Arumugam while working as a Branch Manager in Mallur Branch during the period from 2008 to 2010, committed the fraudulent acts viz., fraudulently debitted sundry deposit Government Account, Banker's cheque Account, lol Accounts, inoperative accounts, customer accounts and raised demand loan against the bank deposits of the customers without their knowledge and in the capacity of the Bank Manager, transferred and credited the customers funds to his personal account, his wife's account and the accounts of his friends and relatives at various instances, thereby misappropriated a sum of Rs.11,79,671/-.

4. The learned counsel appearing for the petitioner submitted that disciplinary proceedings have been initiated against the said Arumugam and he was removed from service. He further submitted that as the said Arumugam committed misappropriation of Government money, the respondent police may be directed to take action on the complaint given by the Petitioner-Bank on 10.11.2021.

5. The learned Additional Public Prosecutor appearing for the Respondents submitted that petitioner may be directed to appear before the respondent police along with copy of the complaint and the respondent police will take necessary action on the same.

6. Heard both sides. Perused the records.

7. It is surprising to note that how the Complainant/State Bank of India, the Government undertaking, in which the erstwhile Manager one Arumugam had committed misappropriation of public money, has not lodged the complaint before the Central Bureau of Investigation and atleast the Bank would have forwarded the complaint to the CBI, vigilance wing to get opinion, whether it has been done or not is not known.

8. In view of the same, since Arumugam, the erstwhile Manager of the Petitioner Bank had misappropriated huge sum of money entrusted to him, in connivance with others for the benefit of his entire family, this Court finds it appropriate to direct the petitioner to lodge a complaint to the Central Bureau of Investigation, Chennai, which is the appropriate authority to deal with the same.

9. Accordingly, the petitioner is directed to lodge a complaint to the Central Bureau of Investigation, Chennai, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the C.B.I., is directed to act in accordance with law.

10. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

arr

To

1. The Superintendent of Police,
Salem District, Salem.
2. The Inspector of Police,
Mallur Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Pothiraj, Advocate, S.R.No.69347

CRL.O.P.NO.25387 OF 2021

AD(CO)
PBS/03/01/2022