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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 20/12/2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

CRL. O.P. NO.26418 OF 2017

AND

CRL.M.P.NO.15211 OF 2017

M.Sakthivadivel

... Petitioner

Vs

1. The Inspector of Police
City Crime Branch
Coimbatore City
Coimbatore District.

2. The Senior Manager
(Mr.N.Vishnu Kumar)
Karur Vysya Bank
Ramanathapuram Branch
Coimbatore 45.

... Respondents

PRAYER :

Criminal Original Petition filed under Section 482 Cr.P.C., to quash the chargesheet in C.C.No.93 of 2020 dated 19/6/2017 on the file of the Judicial Magistrate No.VII, Coimbatore.

(Prayer Amended as per order CRL.O.P.NO.26418/2017 dated 04.10.2021)

For Petitioners

... Mr.J.Pothiraj

For Respondent

... Mr.R.Kishore Kumar
Government Advocate
Criminal Side)
for R.1.

Mr.S.Pradeepan for R.2.



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O R D E R

This Criminal Original Petition has been filed to quash the charge sheet in C.C.No.93 of 2020 dated 19/6/2017, pending on the file of the Judicial Magistrate No.VII, Coimbatore.

2. The crux of the allegation levelled against the petitioner is that there were conspiracy between the accused and bank officials and loan has been sanctioned without filling any application and amounts have been transferred in several accounts. Hence complaint has been filed under Sections 409, 420, 109, 120 (B) and 406 of the Indian Penal Code.

3. Heard the learned counsel appearing on either side and perused the materials available on record.

4. The main contention of the learned counsel appearing for the petitioner is that in the First Information Report, the name of the petitioner is not found. But, in the charge sheet, the names of the bank staff and borrower are shown as witnesses, and the name of the petitioner is arrayed as A.2. Moreover, the petitioner is only an introducer of the borrower to the Bank, namely Subramanian to open an account for the purpose of availing the loan. Therefore, A.2 cannot be prosecuted and hence prays for quashment.

5. At the outset, I am unable to accept the contention of the learned counsel for the petitioner. The defence sought to be taken before the trial Court has been argued before this Court, while exercising power under Section 482 of the Code of Criminal Procedure. In such a view of the matter, this Court, cannot sit as a trial Court to appreciate the defence statements and materials. It is the domain of the trial Court to do the same. Hence, this Court do not find any merits in this Criminal Original Petition.

6. In the result, this Criminal Original Petition is dismissed. Consequently the connected Criminal Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mvs



To

1. The Judicial Magistrate No.VII, Coimbatore.
2. The Chief Judicial Magistrate, Coimbatore.
3. The Inspector of Police
City Crime Branch
Coimbatore City
Coimbatore District.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Pothiraj, Advocate, S.R.No.68372
+1cc to Mr.A.V.Radhakrishnan, Advocate, S.R.No.68222

Cr1. O.P. No.26418 of 2017

PA (CO)
PM/07/01/2022