



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Revision Case No.22 of 2022

M/S. State Bank of India,
Represented by its Manager
Mr.R.Santhosh Kumar
Anna Nagar Branch,
No.AG-26, Shanthi Colony,
Anna Nagar, Chennai - 600 040.

... Petitioner

..Vs..

The Inspector of Police (Crime),
K-4, Anna Nagar Police Station,
No.3673/C, 3rd Avenue,
Anna Nagar, Chennai-600 040.

... Respondent

PRAYER: Criminal Revision Case filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order passed on 08.10.2021 in Crl.M.P.No.20225 of 2021 by the V Metropolitan Magistrate, Egmore, Chennai and consequently to direct the respondent/police to register the complaint against the borrower/accused and to carry on investigation and file the report before this Court.

For Petitioner	:	Mr.G.M.Gokul Ram
For Respondent	:	Mr.S.Sugendran
		Government Advocate (Crl. Side)

ORDER

(This Case has been heard through Video Conferencing)

This Criminal Revision Case has been filed against order passed by the V Metropolitan Magistrate, Egmore, Chennai in Crl.M.P.No.20225 of 2021 dated 08.10.2021 to dismiss the petition filed Under Section 156(3) of Cr.P.C.

2. Mr.G.M.Gokul Ram, learned counsel for the petitioner would submit that the petitioner is the State Bank of India, which is a nationalized bank and that the proposed accused/ P.Gokula Kannan, son of one Sai Pandiyan had approached the bank and by producing fabricated documents (Income Tax Returns of the Assessment Year of 2015-2016 and 2016-2017) induced the bank



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and had obtained loan of Rs.10,94,000/-. Thereafter, the proposed accused failed to repay the loan and on verification, it was found that the documents furnished by the proposed accused were fabricated one. He would submit that the proposed accused with the intention to cheat the bank right from the beginning, had furnished the fabricated documents and had avail the loan and thereafter, coming to know about the fraudulent committed by the proposed accused the petitioner had preferred a complaint to the respondent/police. The respondent/police did not take any further actions and thereby, the petitioner had approached the Judicial Magistrate whereas, the Judicial Magistrate had dismissed the complaint stating that the offences are not made out against the proposed accused.

3. Learned counsel for the petitioner would further submit that the Internal Auditors of the Bank, conducted verification and it was found that the proposed accused had furnished fabricated documents and avail the loan. Learned counsel would submit that till now, the respondent/police has not even conducted preliminary enquiry. He would submit that the Public Funds are involved in this case and thereby he would seek to set aside the order passed on 08.10.2021 in CrI.M.P.No.20225 of 2021 by the V Metropolitan Magistrate, Egmore, Chennai

4. Per contra, Mr.S.Sugendran, learned Government Advocate (crl.side) would submit that the complaint of the petitioner was taken in CSR.No.529 of 2020, the preliminary enquiry was also conducted and during the enquiry, it came to light that the vehicle had met with an accident and the petitioner had taken possession of the vehicle.

5. Heard the learned counsels and perused the materials available on record.

6. It is the case of the petitioner that the proposed accused with intention to cheat the bank, furnished the fabricated documents and had availed the loan and thereafter cheated the Bank. The petitioner without approaching the Higher Authorities Under Section 154(3), had directly approached the learned Magistrate. The Learned Magistrate had dismissed the petition stating that no offences are made out. However, averments in the complaint makes out a case of cheating.

7. In view of the above, the the order passed by the V Metropolitan Magistrate, Egmore, Chennai in CrI.M.P.No.20225 of 2021 dated 08.10.2021 is setaside and the petitioner is directed to approach the respondent/police. The respondent/police shall conduct the preliminary enquiry. During enquiry, if it is found that offences are made out, the respondent shall register a case and proceed in accordance with



law.. Accordingly, this Criminal Revision Case stands Allowed.

Sd/-
Assistant Registrar (CS-VI)

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//True Copy//

Sub Assistant Registrar

shk

To

1. The V Metropolitan Magistrate, Egmore, Chennai
2. The Inspector of Police (Crime),
K-4, Anna Nagar Police Station,
No.3673/C, 3rd Avenue,
Anna Nagar, Chennai-600 040.
3. The Public Prosecutor (Crl side),
High Court, Madras.

+3cc to M/s.A.Ameen, Advocate, S.R.No.6761

Criminal Revision Case No.22 of 2022

NK(CO)
SB(15/02/2022)