



CrI.O.P.No.1360 of 2019

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HON'BLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

CrI.O.P.No.1360 of 2019

and

CrI.M.P.No.887 of 2019

1. State Bank of India
Represented by its Chief Manager
Personal Banking Branch
No.17 Abdul Raheem Road,
Racecourse Coimbatore
Mr.G.N.Satish Kumar
S/o.G.Narayanamoorthy,
C-126, Flat No.GA,
Ponmani Court Apartment, 5th cross,
Thillai Nagar, Trichy.

2. Satyanarayana Murthy

... Petitioners

Vs.

1. The State of Tamil Nadu,
Represented by Inspector of Police,
Cyber Crime Cell (CCB Cr.No.47 of 2013),
Coimbatore City.

2. Subramaniam Mohan

... Respondents

PRAYER: Criminal Original Petition had been filed under Section 482 of Cr.P.C, praying to call for the records in C.C.No.317 of 2017 on the file of the Judicial Magistrate No.3, Coimbatore quash the same in so far as the petitioners are concerned.



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For Petitioner : Mr.M.Devaraj
For Respondent : Mr.R.Vinothraja,
Government Advocate.
For R1.
K.Ashok Kumar, For R2.

ORDER

This petition had been filed to call for the records and quash the charge sheet in C.C.No.317 of 2017 on the file of the learned Judicial Magistrate No.3 and quash the same.

2. When the case came up for hearing on an earlier occasion, this Court had passed an order on 21.10.2021. Subsequently, the case came up for hearing on 25.10.2021, on which date the Sub-Inspector of Police, Cyber Crime Cell, Peelamedu, Coimbatore was present and this Court directed to list the case after two weeks. Subsequently, when the case came up for hearing on 29.03.2022, the Investigation Officer was directed to appear before this Court and to file a status report and adjourned the matter to 19.04.2022. On 19.04.2022, as directed by this court, a status report was filed, wherein it was stated, that as per the observation made earlier by this Court, the names of the Advocate were removed from the list of the accused and their statements were



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recorded. Further, it is stated that the investigation is completed and final report filed before the learned Judicial Magistrate-V and a copy of the status Report had been furnished to the de-facto complainant.

3. The learned Counsel for the respondents vehemently objected for laying of the final report before the Court of the Judicial Magistrate-III, Coimbatore, without examining the de-facto complainant, on which complaint, the FIR was registered.

4. Considering the objection of the learned counsel for the Respondent, the Investigation Officer is directed to examine the Respondent/Complainant and lay the additional charge sheet/additional final report before the Court concerned.

5. With the above observations, this Criminal Original Petition stands closed. The learned Judicial Magistrate-III, Coimbatore is directed to pass appropriate orders based on the additional charge sheet that is to be laid



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after examining the de-facto complainant. Consequently, connected miscellaneous petition is closed.

19.04.2022

Index : Yes / No
Internet : Yes / No
kmm

To

1. The Inspector of Police,
Cyber Crime Cell (CCB Cr.No.47 of 2013),
Coimbatore City.
2. The Judicial Magistrate No.3, Coimbatore.



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SATHI KUMAR SUKUMARA KURUP,J.

Today the case is listed under the caption "for being mentioned".

2. The learned counsel for the petitioner submitted that in the order dated 19.04.2022, in paragraph 2 of the order in fourth line, it should be read as "Petitioners". Wherein, "Petitioners herein" is to be added instead of the word "Advocate". By typographical error it was typed as "Advocate". Hence, it would suffice if this Court directs the Registry to carry out the necessary corrections in the order copy and re-issue fresh order copy.

3. Satisfied with the above submissions made by the learned counsel for the petitioner Paragraph No.2 of the order dated 19.04.2022 shall stand replaced with the following:-



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"2. When the case came up for hearing on an earlier occasion, this Court had passed an order on 21.10.2021. Subsequently, the case came up for hearing on 25.10.2021, on which date the Sub-Inspector of Police, Cyber Crime Cell, Peelamedu, Coimbatore was present and this Court directed to list the case after two weeks. Subsequently, when the case came up for hearing on 29.03.2022, the Investigation Officer was directed to appear before this Court and to file a status report and adjourned the matter to 19.04.2022. On 19.04.2022, as directed by this court, a status report was filed, wherein it was stated, that as per the observation made earlier by this Court, the names of the Petitioners herein were removed from the list of the accused and their statements were recorded. Further, it is stated that the investigation is completed and final report filed before the learned Judicial Magistrate-V and a copy of the status Report had been furnished to the de-facto complainant."

4. As per the arguments of the learned Counsel for the Petitioners, the Petitioners were the complainant, instead of citing them as witness the Investigation Officer cited them as Accused. Therefore, this Petition is prayed for. Accordingly, this Petition is allowed. In the result portion of the order, it is stated that with the above direction this Criminal Original Petition has been closed. The



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learned Judicial Magistrate is directed to pass appropriate orders based on the additional charge sheet that is to be laid after examining the de-facto complainant. The same order holds good.

01.09.2022

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