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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

C O R A M

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.10990 OF 2018

AND

CRL.M.P.NO.5660 OF 2018

A.R.Palanisamy

...Petitioner

Versus

1.The State ,
Rep By its, The Inspector Of Police,
Central Crime Branch,
Tiruppur City,
Tirupur District.

2.K.Gopal Mohan,
Chief Manager
State Bank Of India,
SME Overseas Branch,
Uttukuli Road, Tiruppur.

3.Ravichandran,
Filed Officer,
State Bank Of India,
SME Overseas Branch,
Uttukuli Road, Tirupur.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.22 of 2011 on the file of respondent police and to quash the same.

For Petitioner : Mr.K.Myilsamy

For Respondents : Mr.R.Kishore Kumar
Govt. Advocate (Crl. Side) [for R1]

Mr.I. Balaji [for R2 & R3]

O R D E R

This Petition has been filed by the defacto-complainant himself to quash the FIR filed on the basis of his complaint against the Respondents 2 and 3 for the offences under Section 120(B), 420, 468 and 471 of I.P.C.



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2. The First Information Report was lodged against the bank officials on the ground that they have allegedly extended the loan without the knowledge of the defacto-complainant. It is also alleged that the bank officials allegedly created certain documents for extending the loan and thereby committed the offence of cheating.

3. Now it is the contention of the defactocomplainant/first informant before this Court that despite the fact that he has already given an application to withdraw the complaint before the police officials FIR has not been closed. His main contention is that when the FIR has been filed, at the relevant point of time, he has agreed to settle the entire loan amount on OTS scheme. To clear the loan on OTS scheme, the FIR filed by him is stumbling block. Hence, he himself has come forward to close the FIR.

4. The allegation in the FIR itself, in the view of this Court is improbable. As the petitioner himself now wants to withdraw the Petition and quash the FIR filed against R2 and R3 in order to settle the loan amount amicably as per the scheme, there is no point in continuing the FIR. Accordingly FIR in Crime No. 22 of 2011 on the file of the 1st Respondent police is quashed. In the event the entire loan amount is cleared, the bank officials shall return the documents which have been deposited for security purpose by the petitioner.

5. In the result the Criminal Original Petition is allowed. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VII)

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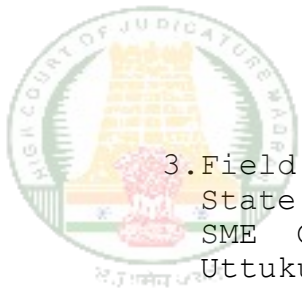
Sub Assistant Registrar

sha/ggs

To

1.The Inspector Of Police,
Central Crime Branch,
Tiruppur City,
Tirupur District.

2.Chief Manager,
State Bank Of India,
SME Overseas Branch,
Uttukuli Road, Tiruppur.



3.Field Officer,
State Bank Of India,
SME Overseas Branch,
Uttukuli Road, Tirupur.

4.The Public Prosecutor,
High Court,
Madras.

+1cc to M/s.A.Thiyagarajan, Advocate Sr.No.1742

+1cc to M/s.K.Myilsamy, Advocate Sr.No.1814

Crl.O.P.No.10990 of 2018
and Crl.M.P.No.5660 of 2018

PMK(CO)
RVM(09/02/2022)