



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2022

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.4959 of 2022

State Bank of India,
Retail Assets Central Processing Centre
(RACPC) 4/952 & 4, 952-A,
Old Mahabalipuram Road,
Nehru Nagar, Perungudi,
Chennai 600 096,
represented by its Assistant General Manager,
Mr.Guru Swamy V Male/Aged-51 years.

...Petitioner

Vs.

1.The Commissioner of Police,
Office of Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai - 600 007.

2.The State rep. By,
The Inspector of Police,
Central Crime Branch,
EDF-II, Team-IV,
Vepery, Chennai - 600 007.

...Respondents

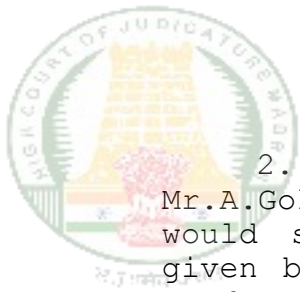
PRAYER: The Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to set aside the closure report dated 08.05.2021 and direct the respondents police to register the petitioner's complaint dated 03.02.2021.

For Petitioner : Mr.R.Parmasivam

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed to set aside the closure report dated 08.05.2021 and direct the respondents police to register the petitioner's complaint dated 03.02.2021.



2. When the matter is taken up for hearing, Mr.A.Gokulakrishnan, learned Additional Public Prosecutor would submit that based on the complaint dated 03.02.2021 given by the petitioner to the first respondent, enquiry was conducted by the second respondent and in that enquiry, it was found that the loan has been sanctioned without following the rules of Bank and the complaint has been closed. He would further submit that in the event of petitioner being aggrieved by such closure report, the petitioner shall approach the concerned Jurisdictional Court.

3. Heard the learned Additional Public Prosecutor and perused the materials available on record.

4. It is seen that the petitioner had given a complaint to the Commissioner of Police and it has been forwarded to the second respondent. The second respondent had conducted the preliminary enquiry, finding that the rules of the Bank has not been followed by the officials and thereby the complaint has been closed.

5. This petition is not maintainable, in view of the Order passed by a Hon'ble Division Bench of this Court in G.Prabhakaran v. The Superintendent of Police, Thanjavur, reported in (2018) 2 LW Cr1 489. The Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in M.Subramaniam v. S.Janaki, reported in (2020) 5 CTC 464, after relying upon Sakiri Vasu's Case, has categorically held that the High Court cannot issue any direction for registration of FIR in exercise of its jurisdiction under Section 482 of Cr.P.C. The Hon'ble Supreme Court held that the informant has to necessarily avail the alternative remedy provided under Section 154 (3) of Cr.P.C., and Section 156 (3) of Cr.P.C. Liberty is given to the petitioner to workout his remedy as per the directions issued by the Hon'ble Division Bench in the order referred supra.

6. This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

shk/sai

To

1.The Commissioner of Police,
Office of Commissioner of Police,
No.132, EVK Sampath Road,
Vepery, Chennai - 600 007.



2.The Inspector of Police,
Central Crime Branch,
EDF-II, Team-IV,
Vepery, Chennai - 600 007.

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.R.Parmasivam, Advocate SR. No.14754

Cr1.O.P.No.4959 of 2022

PMK (CO)
PR (21/03/2022)