



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.OP.Nos.18167, 18197, 18242,
18263, 18293, 18303 & 18382 of 2021

State Bank of India

RASMEC Branch

Rep. By its Assistant General

Manager V.K.Rekha

SRI VARI BUILDINGS PLOT NO.2,

SIPCOT INDUSTRIAL ESTATE PHASE I,

ZUZUVADI, HOSUR 635 126.

... Petitioner in all Crl.O.Ps

Vs.

1. The Superintendent of Police,
Krishnagiri District.
Krishnagiri.

2. State Rep. By
The Inspector of Police,
Town Police Station,
Hosur Town, Krishnagiri District.

... Respondents
in all Crl.O.Ps

PRAYER in all cases: Criminal Original Petitions have been filed under Section 482 of Cr.P.C, praying to direct the Respondents to register the Complaints of the Petitioner dated 21.04.2020, 04.01.2021, 16.09.2020, 14.12.2020 and 31.08.2020.

For Petitioner : Mr.J.Pothiraj

For Respondents : Mr.L.Baskaran
Government Advocate (Crl. Side)

ORDER

This Petition had been filed to direct the Respondents to register the Complaints of the Petitioner dated 21.04.2020, 04.01.2021, 16.09.2020, 14.12.2020 and 31.08.2020.

2. The learned Counsel for the Petitioner submitted that out of nine cases, two FIR had been registered without direction and



in other seven cases, the Police are yet to register the FIR.

2.1. It is the contention of the learned Counsel for the Petitioner that the SBI, Hosur Branch had extended the loan to seven beneficiaries based on the documents submitted by them and verified by the Bank. Subsequently, they had committed default. On verification, it is found that the documents were fabricated. Therefore, the Bank Officials approached the Superintendent of Police, Krishnagiri for registering the FIR. After receipt of Complaint, there was no further action from the Respondents. Therefore, the Petitioner/Bank was forced to approach this Court seeking a direction to the Police.

2.2. Further learned Counsel for the Petitioner relied on the decision of the Hon'ble Division Bench of this Court reported in 2018 (5) CTC 623 in the case of G.Prabakaran Vs. Superintendent of Police and another wherein guidelines had been issued based on the reported ruling of the Hon'ble Supreme Court, directing to register the Complaint.

2.3. The learned Counsel for the Petitioner invited the attention of this Court to the reported decision of the Hon'ble Supreme Court in Lalitha Kumari case where the Police are entitled to conduct a preliminary enquiry before registering the case. Here, Police had not done any preliminary enquiry inspite of receipt of Complaint. The reasons stated by the Respondent is that the Properties of the Beneficiaries are outside the territorial jurisdiction.

2.4. It is the submission of the learned Counsel for the Petitioner that the cause of action arose within the Hosur Branch of State Bank of India where the alleged beneficiaries had cheated the Bank by producing fabricated documents.

3. The learned Government Advocate (Crl. Side) submits that in two cases, FIR were registered. In other cases, enquiry had been conducted by the Respondent, the Bank Officials were not co-operating. When the Officials are putting queries to them, they are reluctant to answer. Therefore, there is a delay in the preliminary enquiry. Further submitted that this Court may direct the Bank Officials to co-operate with the preliminary enquiry.

4. Considering the submission of the learned Counsel for the Petitioner as well as the learned Government Advocate (Crl. Side), the Respondent is directed to proceed with the enquiry as per the direction issued by the Hon'ble Supreme Court in Lalitha Kumari case as well as the Hon'ble Division Bench of this Court and register the case. Since on the face of records, it is found that the beneficiaries had cheated the Bank by producing



fabricated documents the contention of the Respondent/Police that the properties are out side territorial jurisdiction cannot at all be accepted. Cause of action arose at State Bank of India, Hosur Branch which is within territorial limits of Krishnagiri District.

In the result, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Krishnagiri District.
Krishnagiri.
2. The Inspector of Police,
Town Police Station,
Hosur Town, Krishnagiri District.
3. The Public Prosecutor,
High Court, Madras.

+lcc to Mr.J.Pothiraj, Advocate, S.R.No.34733

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SSD(CO)
CT/29/06/2022