



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.R.C.No.885 of 2021

M.S.Subburaman

... Petitioner

Versus

The Inspector of Police,
District Crime Branch,
Tiruppur District.

... Respondent

Prayer: Criminal Revision Case filed under Section 397 and 401 Cr.P.C., 1973 to set aside the order, dated 29.10.2021 passed by the learned Judicial Magistrate No.II, Tiruppur in Crl.M.P.No.2046 of 2021 and allow the above Criminal Revision Case.

For Petitioner : Mr.V.Lakshmi Narayanan
for M/s K.V.Law Firm

For Respondent : Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side)

O R D E R

This Revision Case is filed as against the order, dated 29.10.2021 passed in Crl.M.P.No.2046 of 2021, whereby, the application filed by the petitioner to refer the complaint for investigation under Section 156 (3) of Code of Criminal Procedure was rejected on the ground that the matter is civil in nature and that the parties should approach the Consumer Forum.

2. Assailing the said order, Mr.V.Lakshmi Narayanan, the learned Counsel for the petitioner would submit that the Manager of the Mercantile Bank, Perumanallur Branch had indulged in falsification of the accounts by altering the head of the three distinct accounts namely, Sri Saravana Bhavan, Sri Balaji Bhavan, Sri Sangeethas, thereby, interchanging securities without the consent of the petitioner which amounted to cheating, fraud and falsification of the accounts.

3. Per contra, the learned Government Advocate (Crl. Side) would submit that this matter is civil in nature. Raising



certain questions as to the propriety of the banking transaction, in respect of which, already a complaint has been given before the Banking Ombudsman and the complaint has been gone into and orders have been passed that no cognizable offence is made out and so the complaint could not have been referred for investigation.

4. I have considered the rival submissions made on either side and perused the material on record. On a perusal of the documents filed and the allegations, I am of the view that per se, criminal colour cannot be given to the matter which, at best, can relate to irregularities in banking transactions which have to be established in the concerned civil proceedings and the learned Counsel for the petitioner is unable to point out with clarity as to which particular Act constituted criminal offence. On the other hand, the elaborate and detailed complaint contains certain allegations which are general in nature and a perusal of the same, it would be clear that the allegations are predominantly civil in nature and therefore, the order of the learned Magistrate cannot be upturned.

5. Therefore, the present Criminal Revision Case fails and is accordingly dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

grs

To

1.The Judicial Magistrate No.II,
Tiruppur.

2.The Public Prosecutor,
High Court of Madras.

3.The Inspector of Police,
District Crime Branch,
Tiruppur District.

+1cc to M/s.K.V.Law Firm, Advocate, S.R.No.33531

Cr1.R.C.No.885 of 2021

PM(CO)
SB(17/06/2022)