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W.P.No.28293 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2022

CORAM:

**THE HONOURABLE MS JUSTICE R.N.MANJULA**

W.P.No.28293 of 2021

A.Chellammal

... Petitioner

Vs.

1. The superintendent of Police  
Salem District, Salem.

2. The Inspector of Police  
Cyber Crime Division - CCD - II  
Salem, Salem District.  
(Crime No.3 of 2021)

3. The Regional Chief Manager,  
Salem Commercial Region,  
State Bank of India,  
Cherry Road,  
Salem 636 007  
Salem District.

4. The Chief Manager  
Mettur Dam Branch,  
State Bank of India,  
No.6, West Main Road,  
Mettur Dam- 636 401,  
Salem District.

... Respondents



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Writ petition is filed under Section 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1<sup>st</sup> respondent to constitute the Special Team to investigate the case in Crime No.3 of 2021 on the file of 3<sup>rd</sup> respondent (CCD-II) and recover the amount of the the petitioner from Accused persons and consequently direct the 3<sup>rd</sup> respondent to take appropriate action against the Officials of 4<sup>th</sup> respondent Bank for their irregularities based on the representation, dated 15.06.2021.

For petitioner : Mr.M.R.Jothimanian

For Respondents 1 & 2 : Mr.A.Damodaran,  
Additional Public Prosecutor

For Respondents 3 & 4 : Mr.C.Mohan for  
M/s.King & Partridge

### **ORDER**

The Writ Petition has been preferred seeking a direction to the 1<sup>st</sup> respondent to constitute a Special Team to investigate the case in Crime No.3 of 2021 on the file of 3<sup>rd</sup> respondent (CCD-II) and recover the amount of the the petitioner from Accused persons and consequently direct the 3<sup>rd</sup> respondent to take appropriate action against the Officials of 4<sup>th</sup> respondent Bank for their irregularities based on the representation, dated 15.06.2021.

2. The petitioner is a retired Elementary Education Officer and she is having a Bank Account with the 4<sup>th</sup> Respondent Bank bearing savings A/c. No.11194747390 and her pension amount is being credited in the said bank



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periodically. She has also invested her retirement benefits in the 4<sup>th</sup> respondent Bank by way of fixed deposits and the same had matured on 20.01.2022.

3. The case of the petitioner is that on 10.06.2021, she had received a call from someone whom she believed to be the employee of the 4<sup>th</sup> respondent Bank; the said person asked her to furnish the details of her bank account; the petitioner out of ignorance, had given the details regarding her bank account; and that had facilitated the accused to commit the offence. According to the petitioner, the accused persons with the connivance of the 4<sup>th</sup> respondent Bank officials swindled the amount in the fixed deposit. In this regard, a complaint has been given, in which enquiry has been conducted in CSR No.47 of 2021 by the 2<sup>nd</sup> respondent. Consequently, FIR has also been registered in Crime No.3 of 2021 under Section 419 and 420 of IPC and Sections 66 C, 66 D and 84 B of Information Technology Act, 2000. It is the grievance of the petitioner that the criminal case is pending without any further progress and the misappropriated amount was also not returned to her bank account.



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4. Today, when the matter is taken up for hearing, the learned counsel appearing for the 4<sup>th</sup> respondent/bank submitted that on an indemnity bond obtained by the petitioner, they had paid a sum of Rs.8,62,300/- in connection with her claim.

5. It seems that the petitioner has also accepted to receive the said amount as full and final settlement and executed an indemnity bond on 18.03.2022. However, the respondent Police has also accepted to expedite the investigation and file the final report regarding the steps taken to recover the amount from the accused.

6. In view of the above, this Writ Petition stands disposed of, directing the 2<sup>nd</sup> respondent Police to expedite the investigation and to file the final report within a period of six months from the date of receipt of a copy of this order. No costs.

**31.10.2022**

vum

Index:yes/No

Speaking order / Non speaking order

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**R.N.MANJULA,J.**

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