



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.04.2022

CORAM:

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CrI.O.P.(MD).No.6668 of 2022  
and  
CrI.M.P(MD)No.4614 of 2022

1.Dr.Vijayalakshmi

2.Dr.S.Jayashree

3.P.PrasanthPandian

...Petitioners/Accused

Vs.

1.The State represented by its  
Inspector of Police,  
D1 Thallakulam Police Station  
Thallakulam  
Madurai 625 020.

...Respondent/Complainant

2.Anup,  
The Regional Officer,  
Indian Overseas Bank,  
Regional Office,  
Madurai

...Respondent/Defacto  
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to call for the records relating to the proceedings in pursuant to the notice under Section 160 of Cr.P.C Nil dated and quash the same.

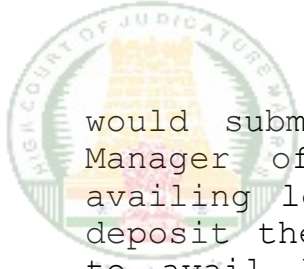
For Petitioners : Mr.ARL.Sundaresan for  
Ms.AL.Gandhimathi

For R1 : Mr.K.Sanjai Gandhi  
Government Advocate(CrI.Side)

### **ORDER**

The criminal original petition has been filed challenging the notice issued under Section 160 of Cr.P.C, thereby called upon the petitioners to appear before the first respondent for investigation.

2.The learned Senior Counsel appearing for the petitioners  
<https://hcservices.ecourts.gov.in/hcservices/>



would submit that the petitioners had originally approached the Manager of the concerned Branch of the second respondent for availing loan. The erstwhile Manager directed the petitioners to deposit the title deeds. Accordingly, they were already deposited to avail loan. Infact, already the petitioners have got fixed deposit from their retirement benefits, which were also in the Indian Overseas Bank, Madurai Medical College Branch, Madurai. The erstwhile Manager also sanctioned loan to the tune of Rs.30,00,000/-., however, she did not disburse even single rupee to the credit of the petitioners. While being so, the said Manager was transferred by committing some fraudulent activities. In pursuant to the said fraud/fraudulent activities, now without committing any fault, the petitioners were called for enquiry on the complaint lodged by the second respondent. Infact, in the year 2020 itself, the second respondent issued notice to the petitioners, dated 28.10.2020 and the same was properly replied by them. Thereafter, the second respondent lodged a complaint in which the petitioners had been called for enquiry.

3.On perusal of the impugned summons revealed that it was issued under Section 160 of Cr.P.C for investigation. It would arise only after registration of FIR. However, the date fixed for investigation, namely, on 31.03.2022 is now expired. Therefore, the notice issued under Section 160 of Cr.P.C cannot sustain as against the petitioners, particularly, before registration of FIR. However, the first respondent is at liberty to call the petitioners for enquiry in the manner known to law.

4.With the above direction, the criminal original petition is disposed of. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

lr

To

1.The Inspector of Police,  
D1 Thallakulam Police Station  
Thallakulam  
Madurai 625 020.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.AL. GANTHIMATHI, Advocate ( SR-17388[F] dated  
08/04/2022 )

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07.04.2022

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