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Crl.O.P.No.5100 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 22.11.2023

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.5100 of 2023

State Bank of India  
Rep.by its Assistant General Manager  
Retail Assets Central Processing Centre (RACPC)  
No.4/952 and 4, 952-A, Old Mahabalipuram road  
Nehru Nagar, Perungudi  
Chennai 600 096.

... Petitioner

Vs.

State rep.by Inspector of Police  
District Crime Branch  
Villupuram.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the transfer of investigation on the basis of the complaint dated 7.1.2021, on the file of the respondent police from the file of the respondent to any other investigation agency of the State namely CB-CID, Chennai.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.S.Udaya Kumar  
Government Advocate (Crl.Side)



**ORDER**

A bank fraud case which should have been properly investigated. Due to various reasons including the fellow of bank, which has not been mentioned the proper crime number of the complaint given by them has now culminated in the enquiry and filing of final report erroneously connected in Crime No.1 of 2020 on the file of the DCB Villupuram, which culminated from the complaint given by one Anitha against Jayachandran. The said Anitha is the purchaser of the two Villas from the constructor/promoter Jayachandran, the accused. The sale consideration for the purchase was availed from the State Bank of India, Perungui Branch and in fact, the real loser is not Anitha, but the State Bank of India, Perungudi Branch, who lodged their complaint on 07.01.2021, approached this Court to take action on the complaint by filing a petition under Section 482 of Cr.PC., in Crl.OP.No.24173 of 2023, dated 15.12.2021, with a direction to investigate the complaint, which was disposed of with the following direction:

**"5.** *In view of the same, the petitioner is directed to appear before the 2<sup>nd</sup> respondent police along with a copy of the complaint to the 2<sup>nd</sup> respondent police to verify the complaint against Anitha as well as Jaya Chandran and proceed in accordance with law in Crime No.1 of 2020."*

2.As pointed out earlier, the reference of Crime No.1 of 2020 has lead to have an impression on the Investigating Officer that they are supposed to



proceed with the earlier complaint again by Anitha against Jayachandran, which was registered in Crime No.1 of 2020 and in spite of the order of this Court, the complaint from the State Bank of India dated 7.1.2022 has not been considered for investigation. The petitioner herein having come to know that the final report in Crime No.1 of 2020 have been filed without proper investigation, is now before this Court invoking Section 482 of Cr.PC., for transfer of investigation to any other agency like CB-CID.

3. On perusing the records and scrutinizing the march of the investigation and orders passed by this Court on different occasion, this Court finds that the entire transaction of adjusting loan to Anitha for purchase of Villas for disbursement of money towards the sale consideration of the Villas to the promoters, the internal arrangement between the purchaser and the promoter without the consent and knowledge of the bank, the subsequent sale of the Villa purchased by Anitha from the advance paid by the bank to the third party sale of the promoter Villa by the promoter without the knowledge of the bank, in spite of the fact that the said Villa was the subject matter of the loan advanced by the State Bank of India advanced to Anitha are the matter arising out of the same cause of action and to be investigated and tried together, since the Investigating Officer in Crime No.1 of 2020 had investigated only the role between the accused Jayachandran and the complainant Anitha, but had not taken into account the loan advanced by the State Bank of India, it is just and



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necessary to direct the Investigating Officer to investigate the material furnished by the State Bank of India, the petitioner herein through its complaint dated 7.1.2021, complete the investigation and file a further report under Section 173(8) Cr.PC., before the Judicial Magistrate II, Tindivanam, within a period of 60 days, since the specific portion of the investigation had been carried out by the DCB, Villupuram.

4.This Court finds that there is no necessity for transfer of investigation to any other special agency and a new Investigating Officer shall take up the investigation further. Considering the gravity of the offence, the Superintendent of Police, DCB Villupuram, shall monitor the investigation.

5.This criminal original petition is disposed of with the above direction.

22.11.2023

Index : Yes/No  
Neutral Citation : Yes/No  
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To

1. Inspector of Police  
District Crime Branch  
Villupuram.
2. Superintendent of Police,  
DCB Villupuram.
3. The Additional Public prosecutor  
High Court, Chennai.



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**Dr.G.JAYACHANDRAN,J.**



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