



Crl.O.P.No.17820 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2023

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.17820 of 2023
and Crl.M.P No.11727 of 2023

J.Nirmal Kumar

.... Petitioner

-Vs-

1.State Rep.by Inspector of Police
Inspector of Police, CCB Tambaram Range
Chennai.

2.The Assistant General Manager
M/s.State Bank of India - RACPC Tambaram
Sathees Paradise, 1st Floor
No.388, Velachery Main Road
Selaiyur, Chennai - 73.

.... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the FIR in Crime No.3/2023 dated 24.06.2023 on the file of the 1st respondent and quash the same.

For Petitioners : Mr.N.Berlin Prabhu

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor - for R1

ORDER

This petition has been filed challenging the FIR in Crime No.3 of 2023 pending on the file of the first respondent.



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2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents.

3. The complaint has been given by the second respondent bank to the effect that fraud was committed by the borrower and others and loan was availed, and at the time of bringing the property for sale, huge loss was incurred by the bank. According to the petitioner, FIR was registered under Crime No.227 of 2023 by the Selaiyur Police Station, Pallikaranai. The petitioner filed an anticipatory bail petition in this FIR. It was stated that no investigation is pending before that police station and based on the same, the petitioner withdrew the anticipatory bail petition on 10.07.2023.

4. The further case of the petitioner is that the first respondent viz., the Inspector of Police, CCB, Tambaram seems to have registered a FIR in Crime No.2 of 2023 and thereby, the bank is attempting to project the very same case before different police stations. It is therefore contended that there is abuse of process of law resorted to by the bank.

5. Learned Additional Public Prosecutor on instructions submitted that both the FIRs in Crime No.227 of 2023 and Crime No.3 of 2023 is now investigated only by the CCB Tambaram Range viz., the first respondent.



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6. This Court finds that there are prima facie allegations in the complaint and disputed questions of fact are involved, which cannot be gone into in this criminal original petition. It is left open to the first respondent to investigate both the FIRs and ultimately file a final report / closure report, as the case may be, within a period of six months from the date of receipt of a copy of this order. The Criminal Original Petition is disposed of accordingly. Consequently, connected miscellaneous petition is closed.

11.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
kst

To

1.The Inspector of Police,
CCB Tambaram Range
Chennai.

2.The Public Prosecutor,
High Court of Madras,
Madras.



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N. ANAND VENKATESH,. J.

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