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Crl.O.P.No.23745 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2023

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.23745 of 2023

S.Anbarasan

... Petitioner

Vs.

1. The Inspector of Police,
Gudiyatham Police Station.
2. The Superintendent of Police,
Vellore.
3. The Assistant General Manager,
(Name not known),
State Bank of India,
RASMECC & SARC,
No.97, 7th East Main Road,
Gandhi Nagar, Vellore - 632 006.

4. Mr.Ramalingam

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the 1st respondent police to register the complaint made by the petitioner dated 12.10.2020 in Crl.M.P.No.1884 of 2020 on the file of the Judicial Magistrate, Gudiyatham.



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For Petitioner : Mr.P.Tamilavel
For R1 & R2 : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

This petition is filed by the borrower from Bank alleging that, Bankers have forged documents and made distrust NPA contrary to banking rule. Therefore, complaint to be registered against them. Earlier, petitioner approached learned Judicial Magistrate, Guidiyartham filing petition under Section 156(3) of Cr.P.C., making allegations against the Managers narrating incidents which according to him are cognizable offences.

2. The learned counsel for the petitioner submitted that, the learned Magistrate has directed the Town Police Station, Gudiyartham to conduct investigation and file a report so that whether process under Section 202 of Cr.P.C., should be issued to the accused or not can be decided. Without applying the mind, respondent 1 & 2 had closed the complaint stating that the allegations against the Banking Officials can be looked into only by the Banking Ombudsman and it is not a fit case for investigation by police. Being aggrieved by the said report, present petition under Section 482 of



Cr.P.C is filed.

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3. The learned counsel for the petitioner submitted that, initially in the year 2009, petitioner has approached SBI, Gudiyartham for cash credit facility for the extent of Rs. 1 Crore, but he was provided with Rs.50 lakhs. Therefore, he was not able to complete his business projects as planned. The Bank Officials demanded bribe to extend the loan facility. When the petitioner refused to pay the bribe, he was not granted extended financial support. It is also contended that, SARFAESI proceedings initiated by the Bank is not in accordance with law. Notice under the SARFAESI Act was not properly served by the borrower.

4. Alleging forgery and dishonesty on the part of the Bank Officials, the learned counsel for the petitioner vehemently argued that, in the present case, criminality is made out and therefore, police has to register the complaint and investigate against the Bank Officers and prosecute.

5. The reading of the materials placed before this Court including the complaint proceedings initiated by the Bank before DRO, Chennai, this Court is of the view that, a default borrower to avoid further action of



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recovery had turned his gun towards the Bank Officials by making allegations. Police has rightly found that, if at all there is any violation or deviation of Banking Procedure, it is for the Banking ombudsman to enquire the matter. This Court at the outset find that, loan was sanctioned to the petitioner in the year 2009. Only in the year 2015, he started alleging foul play against the Banking Officials. By that time, his account has become non-performance. Hence, this Court is of the view that, there is no merits to entertain this petition.

6. Accordingly, this Criminal Original Petition is dismissed.

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Index : Yes/No

Neutral Citation : Yes/No

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To:

1. The Inspector of Police,
Gudiyatham Police Station.
2. The Superintendent of Police,
Vellore.
3. The Public Prosecutor,
Madras High Court.



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Dr.G.JAYACHANDRAN,J.

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