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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2023

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THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.31195 of 2019

And

Crl.M.P.Nos. 17012 & 17011 of 2019

P.Sathish Babu

... Petitioner/Accused No.3

Vs

1. The State Rep. by
The Inspector of Police
District Crime Branch
Nagapattinam
Nagapattinam District.

... Respondent/Complainant

2. The Zonal Manager
State Bank of India
Raja Merasutharar
Hospital Road,
Thanjavur

...Respondent/De-facto Complainant

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.No. 428 of 2019 pending on the file of Judicial Magistrate No.I, Nagapattinam, Nagapattinam District and quash the same.

For Petitioner : Mr. R.Shivakumar

For 1st Respondent : Mr. Leonard Arul Joseph Selvam
Government Advocate (Crl. Side)



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For 2nd Respondent : Mr. M.Devaraj

ORDER

The petitioner seeks to quash the final report in C.C.No. 428 of 2019 pending on the file of Judicial Magistrate No.I, Nagapattinam, Nagapattinam District, under Sections 120(b), 408, 465, 468, 471 and 420 IPC.

2. It is alleged in the final report that in the matter of sanction of loan to the farmers, accused Nos. 1 to 5 entered into conspiracy and in pursuance of the said conspiracy, the fifth accused had issued chitta and adangal, without verification of records and based on which loan was granted to the farmers. It is further alleged that the first accused instead of crediting the entire sanctioned amount to the farmers, some portion of the sanction amount was credited to the account of the first accused and the remaining portion was only credited to the account of the farmers. The third accused/ petitioner herein is the sanctioning authority and he had sanctioned the loan in conspiracy with the other accused.

3. The learned counsel appearing for the petitioner would submit that the third accused / Bank Manager only facilitated the grant of loan. Even



according to the prosecution, the fifth accused did not forge any document and he had only issued patta without verification of records. The third accused had no knowledge about the said fact. He had sanctioned the loan in discharge of his official duty. Further, the loan sanctioned by him was credited directly to the farmers and he did not split the sanctioned amount and credit in two different names. The investigation has not been conducted on those lines. The statement of witnesses relied upon by the prosecution are without any basis.

4. The learned Government Advocate would submit that the allegation against the petitioner is that he had entered into a conspiracy with the other accused and while sanctioning the loan, he had split the sanctioned amount and credited a portion of the sanctioned amount in favour of the first accused and the remaining portion was credited to the account of the formers. This would show his complicity in the crime. Further, there is evidence to show that he had conspired with the other accused in the commission of the Crime.



5. The learned counsel for the second respondent / defacto complainant reiterated the submissions of the learned Government Advocate and submitted that the complaint against the petitioner is based on the documents and enquiry conducted by the Bank. The proceedings cannot be quashed.

6. This Court finds that there is a factual dispute as to whether the amounts sanctioned by the petitioner was granted into two different accounts or into the account of the farmers alone. Further, the points raised by the petitioner that he was never involved in the offence cannot be decided in a quash petition. However, the petitioner is at liberty to raise all his points before the trial Court at the appropriate stage, in the manner known to law.

7. With the above observation, this Criminal Original Petition is dismissed. Consequently, connected Civil Miscellaneous Petitions are closed.

16.03.2023

Index: Yes

vsg

Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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To

1. Judicial Magistrate No.I, Nagapattinam,
Nagapattinam District
2. The Inspector of Police
District Crime Branch
Nagapattinam
Nagapattinam District.
3. The Public Prosecutor
High Court of Madras
Chennai – 600 104.



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SUNDER MOHAN. J.

vsg

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