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Crl.R.C.No.532 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

Crl.R.C.No.532 of 2024

Suseela

... Petitioner

Vs.

1.The Inspector of Police,
Central Crime Branch,
Salem City.

2.City Union Bank Ltd.,
Salem Branch,
No.98, 99, 100, 1st Floor,
Arunachala Asari Street,
Salem – 636 001.

3.City Union Bank Ltd.,
Central Office Kumbakonam,
149, TSR (Big) Street,
Kumbakonam.

4.Dr.Kamakodi

5.City Union Bank Ltd.,
Koramangala Branch,
No.92, Z Square, Ground Floor,
Jyoti Nivas College Road,
5th Block, Koramangala Industrial Layout,
Bengaluru,
Karnataka – 560 034.

6.Maharajan

... Respondents



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Prayer:

Criminal Revision Case filed under Sections 397 and 401 of Criminal Procedure Code, seeking to set aside the order dated 10.05.2023 made in Crl.M.P.No.252 of 2022 (Online C.M.P.No.586 of 2023) on the file of the Judicial Magistrate No.1, Salem dismissing the present petition filed by the petitioner and accepting the final report filed by the first respondent in Crime No.7 of 2021 on the file of the Inspector of Police, Central Crime Branch, Salem City, dated 07.02.2022 by allowing this revision.

For Petitioner : Mr.B.Kumarasamy
For Respondents : Mr.A.Gopinath for R1
Government Advocate (Crl. Side)
Mr.K.Sharath Chandran for R2

ORDER

The criminal revision case has been filed seeking to set aside the order dated 10.05.2023 made in Crl.M.P.No.252 of 2022 (Online C.M.P.No.586 of 2023) by the learned Judicial Magistrate No.1, Salem.

2.The learned counsel appearing for the petitioner submitted that the petitioner and her sons namely Venugopal, Murugaraj and Seetharaman started business under the name and style of M/s.Nivas Fabs. Thereafter during the year 2008, her elder son Venugopal left



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the business organization and started his business organization at Bengaluru under the name and style of M/s.Niva Exports and SK Software. All the three organizations are customers of City Union Bank. The said Venugopal obtained loan from City Union Bank Limited, Koramangala Branch in his name and in his business organization names and since M/s.Niva Exports did not repay the loan amount, his account was declared as Non Performing Assets. Thereafter the officials of the City Union Bank Limited created forged documents as if M/s.Nivas Fabs borrowed loan amount, thereby the petitioner lodged complaint before the law enforcing agency and the same was registered as Cr.No.210 of 2013 for the offence under Sections 409, 465, 468, 471, 477A and 420 of I.P.C. and after conducting investigation, the law enforcing agency filed referred charge sheet in which the petitioner filed protest petition and the said petition was dismissed by the trial Court.

3.The learned counsel appearing for the petitioner further submitted that the petitioner and her sons never borrowed any amount from City Union Bank, however, the petitioner's elder son name was mis-used by the Officials of City Union Bank, thereby, the petitioner made complaint, however, the said complaint was not



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properly considered by the law enforcing agency and they filed referred charge sheet and hence the petitioner filed protest petition and the said petition was dismissed by the trial Court. The learned counsel further submitted that the entire amount borrowed by the petitioner's elder son was settled as one time settlement.

4.The learned Government Advocate (Crl. Side) submitted that the accused are Chairman and Manager of City Union Bank. The fact remains that for non payment of loan amount, SARFAESI proceedings were initiated as against her petitioner and her sons. Already, the Bank initiated recovery proceedings as against the petitioner and her sons who are partners of M/s.Nivas Fabs and when such proceedings is pending, the petitioner filed the complaint which is not sustainable one.

5.The learned counsel appearing for the second respondent submitted that if the petitioner's son had settled the entire amount as one time settlement, the Bank will withdraw the SARFAESI proceedings. Hence filing complaint is not sustainable one.

6.When the petitioner herself admitted that her elder son



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borrowed and settled the entire amount, this Court is unable to understand on what basis she filed complaint as against the Chairman and Manager of City Union Bank. Hence, the complaint itself is misconceived. The trial Court after elaborately discussing all the factual aspects, dismissed the petition filed by the petitioner, which warrants no interference.

7.This revision is dismissed.

31.07.2024

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Judicial Magistrate No.1,
Salem.

2.The Inspector of Police,
Central Crime Branch,
Salem City.



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M.DHANDAPANI,J.
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