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Crl.O.P.Nos.3465 of 2018,  
27280 of 2022 & 1533 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM :

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

**Crl.O.P.Nos.3465 of 2018, 27280 of 2022 & 1533 of 2023**

**and**

**Crl.M.P.Nos.1524, 1525 of 2018, 16750,  
16752 of 2022, 870 & 872 of 2023**

1. M.Gunasekaran
2. R.Viswanathan
3. S.S.Sasikumar
4. J.Usha Rani Joseph
5. M.Harun Ahamed Khan
6. P.Malligarjuna Naidu
7. A.G.Rajan @ Rajendiran
8. M.Meenakshi
9. S.Shoba

... Petitioners in Crl.O.P.No.3465 of 2018

Suresh

... Petitioner in Crl.O.P.No.27280 of 2022

1. R.Narendran
2. D.Saranya
3. V.Asha
4. R.Balasumbramanian
5. D.Santhana Bharathi
6. S.V.Mathivanan

... Petitioners in Crl.O.P.No.1533 of 2023

Vs.

1. State represented by,  
The Inspector of Police,  
Central Crime Branch, Team-4, EDF-II,  
Vepery, Chennai 600 007.

2. Dr.V.Balaji

... Respondents in all Crl.O.Ps



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**Prayer in Crl.O.P.No.3465 of 2018 :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in C.C.No.9149 of 2017 on the file of the Special Court for CCB-CBCID cases, Chennai and quash the same.

**Prayer in Crl.O.P.No.27280 of 2022 :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in C.C.No.9149 of 2017 on the file of the Metropolitan Magistrate Court for CCB CBCID Cases at Egmore, Chennai and quash the same.

**Prayer in Crl.O.P.No.1533 of 2023 :** Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleaded to call for the records of the respondent in CCB Crime No.474 of 2014 for alleged offence under Sections 120(b) r/w 408, 465, 467, 468, 471, 420 r/w 109 r/w 34 of IPC on the file of the Metropolitan Magistrate for CCB/CBCID Cases in C.C.No.9149 of 2017 and quash the same as far as the petitioners concerned A-13, 14, 15, 16, 17, 18, 19.

|                                            |   |                                                 |
|--------------------------------------------|---|-------------------------------------------------|
| For Petitioner in Crl.O.P.No.3465 of 2018  | : | Mr.R.Vivekananthan                              |
| For Petitioner in Crl.O.P.No.27280 of 2022 | : | Mr.S.Dharmakkan                                 |
| For Petitioner in Crl.O.P.No.1533 of 2023  | : | Mr.C.Senapathi                                  |
| For First Respondent/R1 in all Crl.O.Ps.   | : | Mr.S.Santhosh<br>Government Advocate (Crl Side) |
| For Second Respondent/R2 in all Crl.O.Ps.  | : | Mr.B.Dhamodaran                                 |



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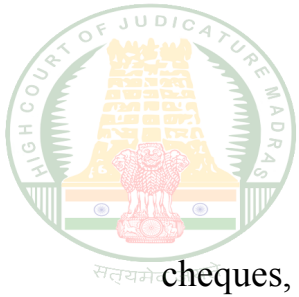
## **COMMON ORDER**

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These Criminal Original Petitions have been filed seeking to call for the records in C.C.No.9149 of 2017 on the file of the Metropolitan Magistrate Court for CCB & CBCID cases, Chennai and quash the same.

2. The petition in Crl.O.P.No.3465 of 2018 has been filed by A4 to A12, Crl.O.P.No.27280 of 2022 has been filed by A17 and Crl.O.P.No.1533 of 2023 has been filed by A13 to A16, A18 & A19.

3. The sum and the substances of the allegation in the final report is that A1 & A2 were the employees working under the de facto complainant; that they were operating the bank accounts of the de facto complainant on their instructions; that the de facto complainant had several bank accounts including, at Indian Overseas Bank, Kilpauk branch and HDFC Bank at Poonamallee High Road branch; that accused 1 and 2 had misused and forged the chequess of the de facto complainant issued by him; and that they had also forged the signature of the de facto complainant and had committed misappropriation to the tune of Rs.15,87,21,420/-. The accused 4 to 12, who were working in Indian Overseas Bank, Kilpauk Branch, had not verified the signatures and passed the



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cheques, thereby, caused loss to the de facto complainant. Similarly, A13 to A19, who are the employees of HDFC bank, Poonamallee High Road branch, had also passed the cheques without verifying the signature and caused loss to the de facto complainant. It is the further case of the prosecution that the de facto complainant held a Fixed Deposit; that a loan was granted to the tune of Rs.2 crores on the said FD by Indian Overseas Bank and an OD facility was sanctioned without proper verification.

4. Learned counsel appearing for the petitioners, who are the bank officials of Indian Overseas Bank and the HDFC bank respectively, have submitted that the allegation is that totally 977 number of cheques were cleared by the bank officials at the instance of accused 1 and 2 and the number of disputed cheques in respect of IOB is 207 and in respect of HDFC bank, it is 383 and those cheques were passed without proper verification. They further submitted that those allegations are unfounded; that the petitioners had only performed their duty and the allegations against them at best reveals negligence and that they are not part of the conspiracy in causing the alleged loss to the de facto complainant.



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4.2. The learned counsels further pointed out that several officers were involved in passing the cheques and several cheques were involved. Even according to the de facto complainant, some of the cheques were issued by him and that since A1 and A2 were trusted employees of the de facto complainant, the bank officers had believed them and passed the cheques and sought for quashing the proceedings.

5. Learned counsel appearing for the de facto complainant fairly submitted that the except for bank officers, who are arrayed as A5, A9, A13 and A15, the other bank officials may not be involved. He further submitted that A9 had granted loan on the fixed deposit on the date of his retirement, which shows his complicity in the crime and accused 13 and 15, who were employed in the HDFC bank had passed 252 cheques, for a total sum of about Rupees six crores and therefore, they need to be prosecuted.

6. Learned Government Advocate (Criminal Side) has filed a Status Report, reiterating the prosecution case. He confirmed the fact that the petitioners are bank officials, who had passed the cheques and some of which were not genuine.



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7. Heard both sides and perused the materials available on record.

8. It is now reported that, the accused A9, who according to the de facto complainant had granted loan and passed 140 cheques, is no more. The said fact is not disputed. This Court is of the view that the accused, who according to the de facto complainant, had cleared more cheques and the value of the cheques is more, have played similar role as that of the other accused. Therefore, there cannot be any discrimination made only because the number of cheques and value of the cheques cleared by them is more. What applies to the other bank officials would also apply to A5, A13 and A15. It is not the case of the de facto complainant that only the cheques passed by A5, A13 and A15 were forged. This Court is of the view that the accused A5, A13 and A15 also cannot be prosecuted as they stand on the same footing as that of the other accused against whom even according to the de facto complainant there is no case. In any case, this Court is of the view that the bank officials cannot be prosecuted for the alleged fraud committed by the employees of the de facto complainant. That apart, even if the prosecution case is accepted, the allegation only reveals negligence and not criminality.



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9. Therefore, this Court is of the view that the impugned prosecution against the petitioners cannot be sustained and consequently, deserves to be quashed.

10. Accordingly, the Criminal Original Petition stands allowed and the proceedings in C.C.No.9149 of 2017 on the file of the Metropolitan Magistrate Court for CCB & CBCID Cases at Egmore, Chennai, is hereby quashed. Consequently, connected miscellaneous petitions are closed.

**27.02.2025**

Index:Yes/No  
Speaking/Non-speaking order  
Internet:Yes  
Neutral Citation:Yes/No  
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To

1. The Metropolitan Magistrate for CCB CBCID Cases,  
Egmore, Chennai.
2. The Inspector of Police,  
CCB, Team-4, EDF-II,  
Veppery, Chennai.
3. The Public Prosecutor,  
High Court of Madras.



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**SUNDER MOHAN.,J**

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