



Crl.O.P.No.17474 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.O.P.No.17474 of 2025

The State Bank of India, Tiruppattur,
Rep. By its Chief Manager,
Mr.R.Kanthi Swaroop,
Tiruppattur Main Branch,
Krishnagiri Main Road,
Tiruppattur District-635 601

... Petitioner

Vs.

1.The Inspector of Police
Tirupattur Town Police Station,
Tirupattur District

2.S. Kishore Kumar
3.K. Srimathi
4.J.Sheela
5.V.Sarathy
6.V.Gowrisankar

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to comply the order passed by the Learned Judicial Magistrate No.1, Tirupattur in Crl.M.P.No.13707 of 2023 by an order dated 10.11.2023 and consequently direct the 1st respondent, Inspector of Police, Tirupattur Town Police Station, Tirupattur to register the FIR in accordance with law.



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For Petitioner

: M/s.R.Paramasivam

For R1

: Dr.C.E.Pratap

Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the 1st respondent to register First Information Report as per the order of the Judicial Magistrate No.1, Tirupattur in C.M.P.No.13707 of 2023 dated 10.11.2023.

2. The learned Government Advocate (Crl. Side) appearing for the first respondent police submitted that the petitioner/Bank had filed a petition before the Judicial Magistrate No.1, Tirupattur in C.M.P.No.13707 of 2023 under Section 156(3) Cr.P.C. to direct the respondent police to register FIR against the private respondents stating that the 1st petitioner obtained Housing Loan from the petitioner/Bank for which the 2nd petitioner stood as a guarantor and while the said loan was in existence, the 1st respondent executed a settlement deed in favour of the 3rd respondent in respect of the mortgaged deed, in turn, the 3rd respondent executed a power of attorney in favour of the 4th respondent, who in turn sold the said property in favour of the 5th respondent via registered settlement deed dated 24.11.2015. The learned Magistrate



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allowed the said petition by order dated 10.11.2023 directing the respondent police to conduct enquiry and to register FIR if prima facie discloses commission of cognizable offence. Thereafter, both the petitioner/bank and the accused appeared before the respondent police and subsequently, they entered into compromise and regarding the same, they also gave a letter to the respondent police. Even otherwise, if any sale is done in respect of mortgaged property, that will not bind the Bank. Therefore, there is no criminal Liability. If at all the petitioner/Bank is aggrieved, they can file a civil suit.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the first respondent police and also perused the materials available on record.

4. Since no adverse order is being passed against the private respondents, notice to the private respondents is dispensed with.

5. It is seen that subsequent to the directions of the Magistrate, both the petitioner and the accused have appeared before the respondent police and subsequently, they have entered into compromise and in respect of which, they have also given a letter to the respondent police. Therefore, this Court is not inclined to give any direction to the



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respondent police to register the case.

WEB COPY 6. Accordingly, this Criminal Original Petition is dismissed at the admission stage itself.

7. However, the petitioner is at liberty to work out their remedy in the manner known to law.

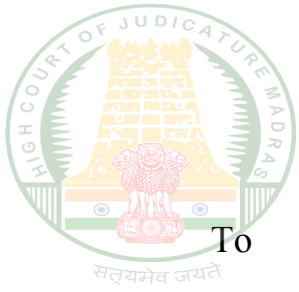
17.06.2025

Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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To

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1. The Judicial Magistrate No.1,
Tiruppattur, Vellore District
2. The Inspector of Police
Tirupattur Town Police Station,
Tirupattur District
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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