



CrI.O.P.No.23221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

CrI.O.P.No.23221 of 2023
and
CrI.M.P.No. 16236 of 2023

Dasari Venugopal

... Petitioner

Vs.

The Superintendent of Police,
Central Bureau of Investigation,
AC III, New Delhi.

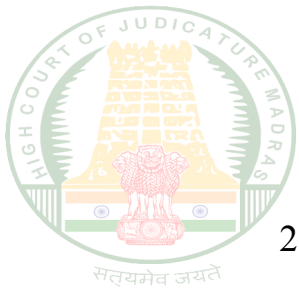
... Respondent

Prayer: Petition filed under Section 482 of Cr.P.C. 1973, to call for the entire records in FIR bearing No.RC2182022A0007 of 2022 on the file of the respondent and quash the same.

For Petitioner	: Mr.F.B.Benjamin George
For Respondent	: Mr.K.Srinivasan Special Public Prosecutor

ORDER

The Criminal Original Petition is filed to call for the entire records in FIR bearing No.RC2182022A0007 of 2022 on the file of the respondent and to quash the same.



2. When the matter came up for hearing, the learned Special Public

Prosecutor appearing for the respondent would submit that the investigation in the case has already been completed and the final report has been duly filed before the II Additional District Judge (CBI Cases, Coimbatore) and the same is being processed.

3. The learned counsel appearing for the petitioner would submit that the mere filing of the charge sheet would not automatically render the Criminal Original Petition infructuous if valid grounds are still made out. This Court can proceed to quash both the FIR as well as the final report. Under the said circumstances, the learned counsel was heard on the merits of the case.

4. The learned counsel, by taking this Court through the First Information Report, submitted that there are three specific allegations made against the bank officials. While they were acting in compliance with directions issued by the Lokpal, the CBI was directed to investigate the matter.

5. The first allegation is that the petitioner and other officials of the bank took over a loan from another bank even though it had already become a Non-Performing Asset (NPA). This statement is factually incorrect and has been



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admitted as such in the status report which is filed in the connected proceedings. The second allegation made in the FIR is that the officials failed to take timely action for exit, which ultimately resulted in a loss amounting to Rs.7,00,00,000/- to the bank. The learned counsel would submit that there is absolutely no material on record to support such an allegation. The third allegation is with reference to irregularities committed at the time of sanctioning the loan, which is also incorrect in law. As a matter of fact, in the connected status report filed, the allegation relating to inflation in the value of the security submitted for the loan was considered. It was found that the properties were valued by both the erstwhile bank and the petitioner bank, and the allegation was ultimately found to be incorrect.

6. In view thereof, merely because the borrowers have submitted certain incorrect documents and failed to repay the loan, bank officials cannot be prosecuted in every such case. The very action of registering an FIR and initiating an investigation, would itself amounts to an abuse of the process of law and causes grave injury to bank officials who have merely discharged their official duties.

7. I have considered the said submission.



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WEB COPY8. To an extent, the certain facts which were originally mentioned in the FIR have been proved to be incorrect. However, as of today, the third allegation, based on which the FIR was registered, is that the officials committed irregularities at the time of sanctioning the loan amount to the borrower. This allegation is general in nature. Now, in the final report, it is alleged that the borrower willfully and wantonly submitted an unaudited, manipulated balance sheet and the officials by categorically overlooking the audited balance sheet and ITR, processed the loan. Therefore, to that extent, misconduct is pleaded to be made out on the part of the petitioner herein.

9. In that view of the matter, this is not a case where this Court should exercise its jurisdiction as if a grave abuse of the process of law has occurred merely by the registration of the FIR. Since the FIR has been registered, duly investigated and the final report has been filed, as and when summons are served on the petitioner, it will be open to the petitioner to place his grievance before the concerned court or take such steps as may be permitted under law. Keeping such liberty open for the petitioner, nothing further remains to be decided in the Criminal Original Petition.

10. Accordingly, the Criminal Original Petition is closed. Consequently,



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connected miscellaneous petition is also closed.

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Neutral Citation: Yes/No
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To

1. The Superintendent of Police,
Central Bureau of Investigation,
AC III, New Delhi.
2. The Public Prosecutor,
High Court, Madras.

D.BHARATHA CHAKRAVARTHY, J.



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