



W.P.(MD)Nos.14422 and 17106 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.01.2026

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.P.(MD)Nos.14422 and 17106 of 2015
and
M.P.(MD)Nos.3 and 2 of 2015**

W.P.(MD)No.14422 of 2015:-

1.C.Saveetha

2.C.Hariharan

... Petitioners

Vs.

1.The Registrar,
The State Human Rights Commission,
Tamilnadu,
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai – 28.

2.M.Virumayee Ammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned proceedings in Case No.8814/2014/C2 on the file of the 1st Respondent and quash the same as illegal.



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For Petitioners : Mr.V.P.Rajan

For Respondents : Mr.G.Prabhu Rajadurai for R1
Mr.Gururaj for R2

W.P.(MD)No.17106 of 2015:-

D.Moses

... Petitioner

Vs.

1.The Registrar,
The State Human Rights Commission,
Tamilnadu,
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai – 28.

2.M.Virumayee Ammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records of the impugned proceedings in Case No.8814/2014/C2 dated 04.02.2015 on the file of the 1st Respondent and quash the same as illegal.

For Petitioner : Mr.V.P.Rajan

For Respondents : Mr.G.Prabhu Rajadurai for R1
Mr.Gururaj for R2



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COMMON ORDER
(By G.R.SWAMINATHAN, J.)

Heard the learned counsel for the writ petitioners and the learned standing counsel for the State Human Rights Commission. Though the complainant / second respondent had been served and she had entered appearance through counsel, there is no appearance on her behalf today.

2.The writ petitioners are staff working in State Bank of India. The bank had advanced loan to one Palanikumar to the tune of Rs.8,00,85,747/-. The complainant is none other than the mother of the borrower. The borrower committed default. The loan account became what is known as non performing asset. The bank initiated proceedings under the SARFAESI Act. Petition under Section 14 of the Act was filed and possession was also taken. While so, the second respondent / complainant resisted the action taken by the revenue officials. It is this that gave rise to host of complaints. Criminal cases were also registered against the writ petitioners. Parallely, she moved the Human Rights Commission also and based on the same, the impugned summons were issued to the writ petitioners herein. In the meanwhile, the issue between

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the bank and the borrower got settled. The borrower entered into one time settlement. Based on the same, the bank officials filed quash petition before this Court (Crl.O.P.(MD)Nos.16456 and 16654 of 2015. The quash petitions were allowed by one us (G.R.Swaminathan, J.) vide order dated 28.11.2019. Paragraph Nos.8 to 12 of the said order read as follows:-

“8.More than anything else, the transaction between the SBI and the borrower had come to an end. The bank made a one time settlement offer to the borrower and the borrower Palanikumar had accepted the same and the entire transaction has been settled. One of the conditions of the One Time Settlement letter reads as follows :

“You/related parties have to withdraw any cases/suits etc filed/pending against the bank/its officials.”

9.The learned counsel appearing for the bank had enclosed a letter dated 04.07.2019 issued by the borrower Thiru.Palanikumr for withdrawing Crime No.191 of 2015 which is impugned in this original petition. Virumayee Ammal is the biological mother of Thiru.Palanikumar. When one of the terms of the OTS settlement is withdrawal of the criminal case, it would not be proper on the part of the defacto complainant



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herein to now contend that she will continue to battle it out and that the undertaking given by her son cannot be binding on her. That apart, the officials are entitled to protection under Section 32 of the Act. Section 32 of the Securitization and Reconstruction of Financial Assets and Enforcement of security Interest Act, 2002 reads as under :

*“32. Protection of action taken in good faith.
—No suit, prosecution or other legal proceedings shall lie against any secured creditor or any of his officers or manager exercising any of the rights of the secured creditor or borrower for anything done or omitted to be done in good faith under this Act.”*

10. The Hon'ble Supreme Court in the decision reported in 2015 (3) CTC 103 (Priyanka Srivastava and another vs. State of U.P and others) held that Parliament in its wisdom has made such a provision to protect the secured creditors or any of its officers, and needless to emphasize, the legislative mandate, has to be kept in mind. This provision also comes to the rescue of the petitioners herein. Thus, looked at from any angle, continuation of the impugned prosecution is not warranted.

11. In this view of the matter, the impugned FIR stands quashed. It is seen that Thiru.C.Hariharan, the second petitioner in Crl OP(MD)No.16654 of 2015 is the defacto complainant in Crime No.300 of 2014 registered on the file of the Thirunagar Police Station, Madurai. In the said criminal case, the defacto complainant is figuring as A3. The other



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members of the family are figuring as other accused. Since all the outstanding liability of Palanikumar has been settled and one of the terms of the OTS is that Palanikumar should withdraw the criminal case filed against the bank, the bank also will not be justified in pursuing its complaint.

12. Therefore, FIR in Crime No.300 of 2014 on the file of the Thirunagar Police Station, Madurai and the impugned FIR in Crime No.191 of 2015 on the file of the Austinpatti Police Station, Madurai stand quashed. The Inspector of Police, Thirunagr Police Station is suo motu impleaded as the third respondent in Crl OP(MD)No.16654 of 2015.”

3. When the criminal cases lodged by the second respondent had already been quashed following the compromise effected between the parties, it would be an abuse of process to allow the impugned proceedings to go on. In this view of the matter, the impugned summons are quashed and the writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S. J.) & (R.K.M. J.)
08.01.2026

NCC : Yes/No
Index : Yes / No
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