

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.18012 of 2015 and

M.P.No.1 of 2015

1.E.Kalpana
2.R.Ganesh
3.R.Mathivanan

.. Petitioners

Vs

State by
1.The Inspector of Police,
CCIW CID, Vellore,
Vellore District.
Cr.No.23/2014.

2.The Deputy Registrar (Dairying),
Sathuvachari,
Vellore - 9

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the entire records concerned in Cr.No.23/2014 on the file of the Inspector of Police, CCIW CID, Vellore, Vellore District and quash the same in so far as the petitioners are concerned.

For Petitioners :Mr.C.Prakasam

For Respondents :Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking to quash the case Cr.No.23/2014 on the file of the Inspector of Police, CCIW CID, Vellore, Vellore District, the petitioners have come up with this petition.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

3.It is seen that A.1 in this case had defraud Rs.54,39,289/- from Aavin in very ingenious manner and after enquiry under Section 81 of the Tamil Nadu Co-operative Societies, F.I.R., was registered by the Police and A.1 was arrested. It appears that A.1 has also paid some amount and in his confession, he has stated that he alone was responsible for the fraud. The petitioners herein are Managers

working under the Thiruvannamalai District co-operative Milk Producers Union Ltd., Vellore. The petitioners and other officials were arrested by the police and they were produced before the Magistrate for remand on 06.06.2015. Now, they are on bail.

4.Mr.C.Prakasam, learned counsel for the petitioners submitted that even in the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, the allegations against these petitioners are that they had not properly supervised the work of A.1. Hence, it is his contention that these petitioners can at the most be charged for dereliction of duty and not for a criminal offence.

5.In the remand report, the respondent Police has stated that the petitioners/accused have given a confession, confessing to the commission of offence to the Police. May be such a confession is not relevant during trial but, for the purpose of investigation, the same can be relied upon by the Investigating Officer.

6.This Court cannot gone into the disputed question of facts and to give a finding in the petition filed under Section 482 Cr.P.C., especially, when the investigation is at the stage of infancy.

7.Under such circumstances, this petition is dismissed with a direction to the respondent police to thoroughly enquire into all aspects about these petitioners and if it is found that these petitioners had been negligent in their duties and that they had not connived with A.1, then, it is needless to state that these petitioners should be deleted in the final report as accused in this case. Further, it is always open for the petitioners to approach this Court challenging the final report if there are no materials.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Inspector of Police,
CCIW CID, Vellore,
Vellore District.
Cr.No.23/2014.

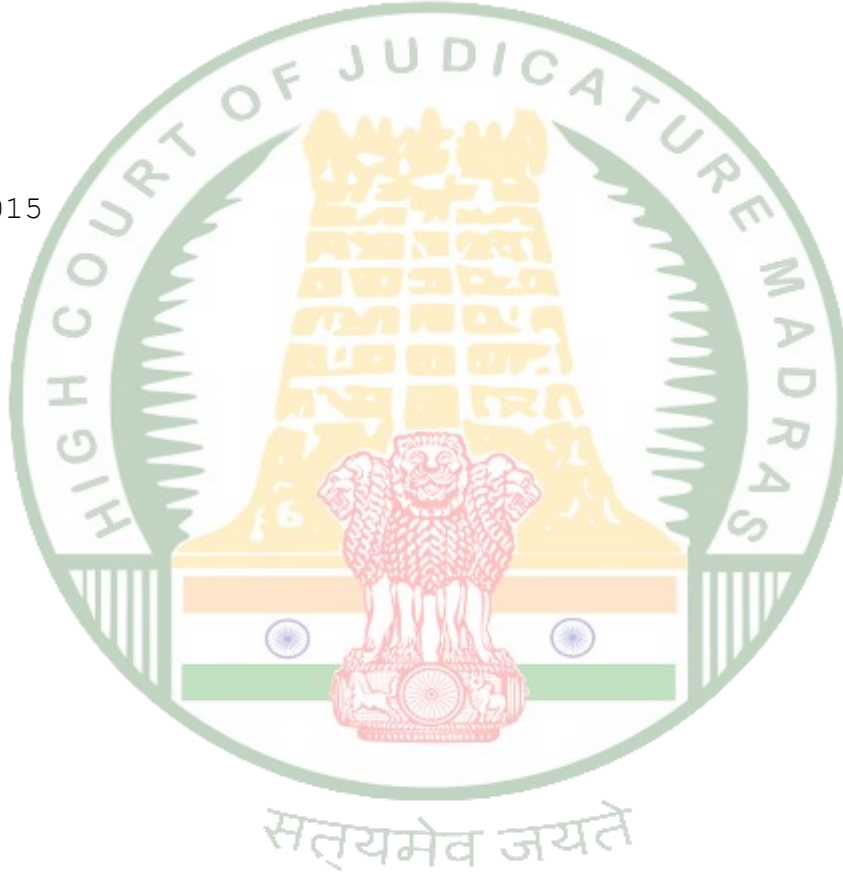
2.The Deputy Registrar (Dairying),
Sathuvachari,
Vellore - 9

3.The Public Prosecutor,
High Court, Madras.

+1 cc to Mr.C.Prakasam Advocate sr.37265

Cr1.OP No.18012 of 2015

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