

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No. 1848 of 2015

and

M.P.No.1 of 2015

M.G.Santhakumari ... Petitioner

Vs

1. State by
The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.

2. M.Poongodi ... Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Crime No.469 of 2014, on the file of the first respondent, pending investigation and quash the same.

For Petitioner :Mr. Venkataseshan,
Senior Counsel for
Mr. K.V.Ramesh

For Respondent :Mr.C.Emalias
Additional Public Prosecutor for R1

ORDER

The petitioner seeks a direction to call for the records in Crime No.469 of 2014, on the file of the first respondent, pending investigation and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the first respondent and perused the material placed on record.

3. This petition has been filed for quashing the First Information Report in Crime No.469 of 2014. On a complaint given by one Poongodi, the first respondent police has registered a case in Crime No.469 of 2014 on 10.10.2014 for the offences under Sections 294(b), 420, 506(i) IPC against one M.G.Santhakumari and others. The allegation in the First Information Report is that Santhakumari is the Managing Trustee of ADD-Win Womens Welfare Society, which is a self-help group and that she had collected huge sums of money, from around eleven thousand persons, has misappropriated the same.

4. It is the case of the complainant that she has collected huge amounts and given to Santhakumari and the same has been misappropriated by Santhakumari. Santhakumari was arrested and released on bail. Now, it is the case of Santhakumari that the entire First Information Report has to be quashed because Poongodi, the defacto complainant is the actual accused and that all the amounts were paid to her and that she had swindled the amount.

5. In support of this contention, Mr.Venkataseshan also show to this court on a statutory notice dated 15.09.2014 issued to Poongodi by Santhakumari under Section 138 of the Negotiable Instrument Act. On a reading of the First Information Report and the Statutory notice, it is apparent that huge amount of public money has been handled by both Santhakumari and Poongodi.

6. Learned Additional Public Prosecutor represented that the investigation in the Crime No.469 of 2014 has not been transferred from the file of the Inspector of Police, Ariyalur to the Inspector of District Crime Branch, Ariyalur and investigate its progress.

7. During the course of investigation, if the police find that Poongodi is also culpable, she should also be made as an accused in the case. The Hon'ble Supreme Court in State of Haryana Vs Bhajan Lal reported in 1992 Supp [1] SCC 335, has laid the parameters for quashing the First Information Report. On a reading of the present First Information Report, it cannot be stated that it does not disclose the commission of cognizable offence.

8. With the above observation, this petition is dismissed. Consequently, the connected miscellaneous petition is closed.

mrp

s/d-
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Ariyalur Police Station,
Ariyalur District.

2. The Public Prosecutor,
High Court, Madras.

+ 2 ccs to Mr.K.V.Ramesh, Advocate SR 27885

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