

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2015

CORAM:

THE HON'BLE MR.JUSTICE R.SUBBIAH

Crl.O.P.No.25816 of 2015
and
M.P.Nos.1 & 2 of 2015

K.Indiranai Petitioner/Accused
Vs.,

The Deputy Superintendent of Police,
CCIVV, Salem,
(Crime No.6 of 2012) Respondent/Complainant

Prayer: Petition filed under Section 482 of the Criminal Procedure Code praying to call for the records pertaining to the Chargesheet filed in C.C.No.87 of 2014 on the file of the learned Judicial Magistrate No.II, Mettur, Salem District and to quash the same as against the petitioner herein.

For Petitioner : Mr.M.Prabakar

For Respondent : Mr.C.Emalias, APP

ORDER

This Criminal Original Petition has been filed by the petitioner praying to quash the chargesheet in C.C.No.87 of 2014 pending on the file of the learned Judicial Magistrate No.II, Mettur, as against her. The petitioner herein has been arrayed as 8th accused in the said case.

2.The case of the prosecution is that one Mr.Veerassamy, Deputy Registrar of Tamil Nadu Co-operative Societies (Housing), Salem, lodged a complaint before the respondent-police stating that during the period from 2000 to 2009, one Viswanathan (A1), Secretary of K.K.128 Mettur Industrial Workers Co-Operative Housing Society, along with eight others, had granted housing loan to fictitious persons, for the purpose of constructing house. All the accused persons had colluded with each other and sanctioned housing loan without getting proper documents and records, with an intention to make wrongful gain; thus, they falsified the documents and misappropriated Society's fund to the tune of Rs.52,58,700/-. After completion of Section 81 enquiry, the

complaint was lodged against the accused with the respondent-Police, along with the section 81 enquiry report. On the basis of the said complaint, a case in CCIW-CID Salem Crime No.6 of 2012 was registered under Sections 120(b), 406, 408, 409, 419, 467, 468, 471 IPC r/w Section 120(b) IPC against the accused persons on 01.11.2012.

3.The learned counsel for the petitioner herein submitted that so far as the petitioner herein/A8 is concerned, there is no specific allegation as against her. In the absence of any allegation against the petitioner herein/A8, the chargesheet is liable to be quashed so far as the petitioner herein is concerned.

4.Per contra, the learned Additional Public Prosecutor submitted that during the period from 01.12.2008 to 06.11.2009, the petitioner herein/A8 was discharging her duties as Special Officer in the said Society and she is one of the signing authorities in the cheques while disbursing loans. The petitioner, who is Special Officer, did not evince any interest in making cross verification or random check over the loans disbursed. It is clearly understood from the facts collected during the investigation that the act of the petitioner/A8 is a deliberate act. Hence, she has also been added as an accused in the case. Thus, the learned Additional Public Prosecutor opposed to quash the proceedings.

5.Keeping the submissions made on either side, I have carefully perused the materials available on record.

6.From a careful perusal of the chargesheet and the complaint, it is seen that there is a specific allegation against the petitioner herein stating that the petitioner herein colluded with the other accused persons and misappropriated the Society's fund. Therefore, it is incorrect to state that absolutely there is no allegation against the petitioner herein. The submission made by the learned counsel for the petitioner would be his defence during the course of trial, but certainly it would not be a ground to quash the chargesheet. Hence, I am not inclined to quash the chargesheet and the present criminal original petition is liable to be dismissed.

In fine, the criminal original petition is dismissed. Consequently, connected Miscellaneous Petitions are closed.

Sd/
ASSISTANT REGISTRAR (CS-IV)

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

To,

1.The Deputy Superintendent of Police,
CCIVV, Salem, (Crime No.6 of 2012)

2.The Public Prosecutor,
High Court, Madras.

3.The Judicial Magistrate
No.II, Mettur, Salem District.

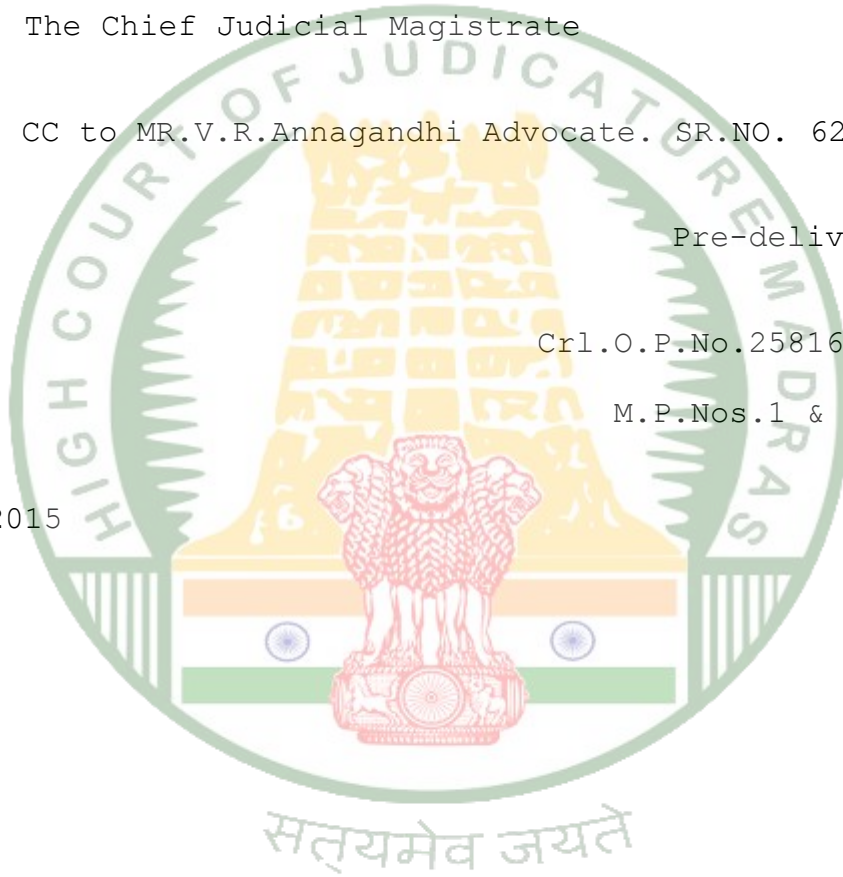
4.Do thro' The Chief Judicial Magistrate
Salem.

+1 CC to MR.V.R.Annagandhi Advocate. SR.NO. 62494

Pre-delivery order
in

CrI.O.P.No.25816 of 2015
and
M.P.Nos.1 & 2 of 2015

CO-VS
JD 08/12/2015



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