



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.08.2015

CORAM:

THE HONOURABLE Ms.JUSTICE R.MALA

CRL.O.P. (MD)No.22526 of 2014

and M.P. (MD) Nos. 1 and 2 of 2014

WEB COPY

P.Soundara Pandi

... Petitioner/A4

Vs.

1.The Sub Inspector of Police,
Usilampatti Police Station,
Madurai District
(Crime No.268 of 2013)

...1st Respondent/Complainant

2.A.Annakodi

...2nd Respondent/Defacto
Complainant

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to calling for the records pertaining to the case in Special S.C.No.10 of 2014 on the file of the 3rd Additional District and Sessions Judge (PCR) Madurai and quash the same.

For Petitioner : Mr.C.Jawahar Ravindran

For R1 : Mr.K.Anbarasan
Government Advocate (Crl. Side)

O R D E R

This petition has been filed seeking to quash the case in S.C.No. 10 of 2014 on the file of the 3rd Additional District and Sessions Judge (PCR) Madurai.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.side) appearing for the State and perused the materials available on record.

3.The learned counsel appearing for the petitioner would submit that the petitioner, who is arrayed as the fourth accused in the charge sheet, has come forward with this application for quashing the proceedings stating that at the time of filing of charge sheet, the petitioner was working as the Branch Manager in Canara Bank at Ellis Nager Branch, Madurai. He would further submit that when the petitioner was working as the Manager in Canara Bank at Usilampatti Branch, the defacto complainant approached the petitioner for getting a loan for her son and daughter-in-law for purchasing milching cow and since the petitioner has refused to give the loan, the defacto complainant has given a complaint. In the complaint, it was stated that at the instigation of this petitioner, the accused 1 to 3 have abused in filthy language and hence, a case has been registered under Section 3(1) (X) of SC/ST Act and Section 506(ii) IPC. Subsequently, after investigation, charge sheet has been filed against this petitioner for the offence under Sections 294(b) and 506(ii) IPC and Section 3(1) (X) of SC/ST Act r/w 109 IPC. The learned counsel for the petitioner would further submit that the petitioner has nothing to do

with the commission of offence and hence the proceedings as against the petitioner/A4 may be quashed and he prayed for an order.

4. The learned Government Advocate (Crl.side) would submit that when the defacto complainant asked loan for his son and daughter-in-law, the petitioner for purchasing milching cow, the petitioner, who was working as the Manager in Canara Bank refused to sanction the loan and after that, when the defacto complainant was standing in front of Nandhini Medical Shop, at the instigation of the petitioner/A4, the accused 1 3 have committed the offence and hence, he prayed for dismissal.

5. Considering the rival submissions made by both sides and on perusal of typed set of papers, it is seen that FIR has been registered on 04.07.2013 and the occurrence is said to have taken place on the same day. In the complaint, it was stated that the defacto complainant went on 04.07.2013 at 4.00 p.m to Canara Bank, Usilampatti, which was situated near Nandhini Medicals for asking loan for purchasing milching cow for her son and daughter-in-law and when the petitioner declined to give the loan, the defacto complainant told that she had known the fact of sanctioning of loan to 15 persons in Alligundam and 15 at Thummampatti. After that, at 4.15 p.m on the same day, at the instigation of one Soundarapandi, who was working as the Manager in Canara Bank, when the defacto complainant was standing in front of Nandhini Medical shop the accused 1 to 3 had abused with filthy language. But admittedly in the FIR it was stated that at the instigation of Soundarapandi, who is the petitioner herein, the occurrence had taken place. But, there is no previous enmity between the petitioner and the defacto complainant and the petitioner has filed an additional typed set of papers wherein it is seen that the defacto complainant has already availed three loans, but, she has not repaid the same and hence, the petitioner has refused to give the loan and due to wreck vengeance, the defacto complainant has come forward to give a complaint falsely implicating the petitioner in this case.

6. Considering the argument advanced by the learned counsel for the petitioner and the averment made in the petition and since the petitioner, who is the Manager, had declined to give loan for purchasing milching cow because they have already availed three loans and they have not repaid the same, this Court is of the view that it is a fit case to quash the proceedings in S.C.No.10 of 2014 against the petitioner/A4 and accordingly, the proceedings in S.C. No. 10 of 2014 on the file of the learned III Additional District and Sessions Judge (PCR), Madurai, is quashed as against the petitioner herein.

7. In the result, this Criminal Original Petition is allowed. Consequently, connected M.P.s are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

1. The III Additional District and Sessions Judge (PCR),
Madurai.

2. The Sub Inspector of Police,
Usilampatti Police Station,
Madurai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.C.Jawahar Ravindran, Advocate SR.No.44951

Order made in

CRL.O.P.(MD)No.22526 of 2014
M.P.(MD) Nos. 1 and 2 of 2014

Dated:
07.08.2015

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NS/20.08.2015 : 3p/5c