

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.OP.No.22382 of 2016

and Crl.MP.No.10405 of 2016

P.Kannusamy .. Petitioner / Accused

Vs

1.State by

The Inspector of Police, ... Respondents/Complainant
Perambalur Police Station,
Perambalur District.
Crime No.617 of 2013

2.Dr.I.Raveendran

Deputy Director of Health Services,
Department of Public Health and
Preventive Medicine
Perambalur. ... Respondents / Defacto Complaint

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records in Crime No.617 of 2013 pending investigation on the file of the Inspector of Police, Perambalur Police Station, Perambalur District and quash the First Information Report pending against the petitioner.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.C.Emalias [for R1]
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to quash the proceedings in Crime No.617 of 2013 pending on the file of the first respondent.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. On the complaint lodged by the Deputy Director of Health Services, Perambalur, the respondent-police have registered a case in Crime No.617 of 2013 on 27.05.2013 for the offence under Section 409 IPC against the petitioner, challenging which, the petitioner is before this Court.

4. On a reading of the FIR, it is alleged that this petitioner was working as Accounts Assistant in the Department and that on 02.02.2013, he was asked to withdraw Rs.1,44,000/- from Canara Bank, Perambalur Branch to meet out the expenses to be incurred during training programme. He withdrew the said money, but did not remit back the balance amount of Rs.83,448/- after expenditure. In view of the above, FIR has been launched against the petitioner/accused.

5. Mr.S.Silambu Selvan, learned counsel appearing for the accused submitted that the accused attended the office upto 14.05.2013 and that he was only a temporary staff and in order to cover the regular staff, who has misappropriated the money, this case has been foisted upon him.

6. He has also brought to the notice of this Court the proceedings in Na.Ka.No.9092/Aa3/13-1 dated 10.10.2013, in which it is stated that the allegations against the petitioner is false and that he had not misappropriated the amount.

7. Unfortunately, the copy of the proceedings kept in the typed set of papers does not bear the signature of the Director, Public Health Service, Chennai. Be that as it may, this Court is of the view that it will be in the interest of justice if the Deputy Superintendent of Police, Perambalur is directed to conduct enquiry into all those aspects within three weeks from the date of receipt of a copy of this order and if it is found that the petitioner is innocent, it is needless to state that further action against him should be dropped immediately.

With the above direction, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is closed.

सत्यमेव जयते

Sd/
Assistant Registrar

/True copy/

Assistant Registrar

To

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

2 The Deputy Superintendent of Police,
Perambur.

3.The Public Prosecutor,
High Court, Madras.

+lcc to M/s.S.Silambu Selvam, Advocate Sr.NO.56809

Cr1.OP.No.22382 of 2016

SDR 22.10.2016
krd 10/11



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