

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2016

CORAM

THE HONOURABLE MS.JUSTICE R. MALA

CRL.O.P.No.2426 of 2013

and

M.P.No.1 of 2013

Sivaprasath

.. Petitioner/Single Accused

.. Vs ..

1. The State Rep. by,
Inspector of Police,
Thiruppathur Town Police Station,
Vellore District.

2. The Chief Manager,
State Bank of India,
Thiruppathur Branch,
Vellore District.

.. Respondents/Complainants

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to call for the records pending on the file of the Inspector of Police, Thiruppathur Town Police Station, Vellore District in Crime No.657/2012 and quash the criminal proceeding.

For Petitioner : Mr.V.Ramamurthi

For R-1 : Mr.C.Emalias,

Additional Public Prosecutor

For R-2 : Mr.A.Nagarajan

ORDER

The petitioner has come forward with the present petition seeking to quash the criminal proceedings pending on the file of the Inspector of Police, Thiruppathur Town Police Station, Vellore District in Crime No.657/2012, for an offence punishable under Section 420 of IPC stating that there is no allegation or averment in the complaint that the petitioner has used the password of R.Kavitha, by withdrawing the amounts from the various accounts.

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

3. The learned counsel for the petitioner has relied upon a decision of the Hon'ble Supreme Court reported in (2007) 12 SCC page 1 (Inder Mohan Goswami and another Vs. State of Uttaranchal and others) and submitted that once there is a delay in investigating the matter and filing of charge sheet, it is a ground for quashing the criminal proceedings. The learned counsel for the petitioner fairly conceded for completion of investigation.

4. At this juncture, the learned Additional Public Prosecutor appearing for the first respondent would submit that in this matter, investigation is going on and they are ready to file a final report within a time stipulated by this Court.

5. A perusal of the typed-set of papers would go to show that based on the complaint given by one K.S.Rajagopal, the complaint has been registered on 16.06.2012 for the offence punishable under Section 420 of IPC and the present petition, seeking to quash the criminal proceedings, has been filed on 23.01.2013. In the present petition, it was stated that ATM withdrawal has been done to the tune of Rs.5,51,100/-. The same has to be considered only on verification of records. Therefore, I am of the view that it is premature to consider the petition at this stage. The decision relied upon by the learned counsel for the petitioner is not applicable to the facts of the present case, because in the said case, at paragraph No.27, it is specifically mentioned that the Court has to quash the criminal proceedings on perusal of entire records. But in the present case, records were not produced.

6. Hence, it is not a fit case to quash the criminal proceedings and instead, a direction could be issued to the first respondent police to complete the investigation. Accordingly, the first respondent police is directed to complete the investigation and file a final report within a period of three months from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Thiruppathur Town Police Station,
Vellore District.
2. The Chief Manager,
State Bank of India,
Thiruppathur Branch,
Vellore District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Mr.V.Ramamurthy, Advocate, S.R.No.20702
+1cc to Mr.K.R.Ramesh Kumar, Advocate, S.R.No.21013

सत्यमेव जयते CRL.O.P.No.2426 of 2013

sr(CO)
srg(25/04/2016)

WEB COPY