

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.06.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.OP.Nos.9697 to 9710 of 2016

and

CRL.MP.Nos.5011 to 5038 of 2016

Crl.OP.No.9697 TO 9710 of 2016

A.R.Tamil Oviyam

.. Petitioner in all the CRL.OPS.

Vs.

The State rep by
The Inspector of Police,
CCIW [CID] Cuddalore,
Cuddalore District.

..Respondent in all the CRL.OPS.

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in C.C.Nos.106 & 108 TO 120 of 2015 respectively on the file of the learned Judicial Magistrate-I, Cuddalore and quash the same.

For Petitioner : Mr.P.P.Shanmugasundaram
in all Crl.OPs
For Respondent : Mr.C.Emalias,
in all Crl.OPs Addl.Public Prosecutor

C O M M O N O R D E R

When these petitions are taken up for consideration, learned counsel for the petitioner submitted that the petitioner was a Special Officer from 2007 to 2008, during which time, there was defalcation of amount, pursuant to which, the respondent police filed charge sheets in 14 cases, before the learned Judicial Magistrate-I, Cuddalore for offences under Section 120[B], 406, 408 and 109 IPC against the petitioner and co-accused.

2. Learned counsel for the petitioner relied upon Section 164[3] of the Tamil Nadu Co-operative Societies Act, 1983 and submitted that no prosecution can be initiated without valid sanction from the Registrar.

3. On a careful reading of Section 164[3], a prosecution under the Tamil Nadu Co-operative Societies Act, 1983 cannot be initiated without a sanction under the Section, but there is no sanction required for offences under the IPC. Since there are sufficient materials for the trial to proceed, this Court cannot quash the proceedings and these petitions stands dismissed, with liberty to the petitioner to workout his remedies in the manner known to law. Consequently, connected Miscellaneous Petitions are closed.

gya

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Judicial Magistrate No.I, Cuddalore.

2.The Inspector of Police,
CCIW [CID] Cuddalore,
Cuddalore District.

3.The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr.P.P.Shanmugasundaram, Advocate Sr 31362

KR/23/6/16

CRL.OP.Nos.9697 to 9710 of 2016
and
CRL.MP.Nos.5011 to 5038 of 2016

सत्यमेव जयते

WEB COPY