



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.04.2016

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. (MD) No.6195 of 2016
and
CrI.M.P. (MD) No.3082 of 2016

B.Balasubbulakshmi

...Petitioner/Accused No.2

vs.

1. The State of Tamil Nadu,
represented by Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

... Respondent/Complainant

2. S.Sonia Devi,
The Block Medical Officer,
Muthanenthal Primary Health Center,
Muthanenthal,
Sivagangai District.

... Respondent / *De facto*
Complainant

PRAYER : This petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the First Information Report in Crime No.406 of 2015 U/s.120(b), 407, 467, 468 of I.P.C., dated 14.07.2015, on the file of the Respondent No.1 and quash the same as illegal insofar as the petitioner concerned.

For Petitioner : Mr.T.Lajapathi Roy

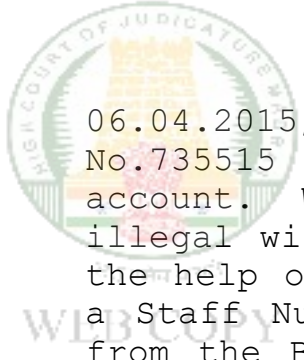
For Respondents : Mrs.S.Prabha, G.A.(CrI.Side) for R1

ORDER

The petitioner has filed this criminal original petition, under Section 482 of the Code of Criminal Procedure, seeking quashment of the proceedings in Crime No.406 of 2015, on the file of the first respondent Police, in respect of him alone.

2. Heard the learned counsel appearing for the petitioner / second accused and the learned Government Advocate (Criminal Side) appearing for the first respondent Police.

3. On reading of the F.I.R., it is seen that the petitioner / second accused is the Superintendent and the second respondent / *de facto* complainant is the Block Medical Officer of the Primary Health Center, Muthanenthal, Sivagangai District. It is alleged by the second respondent / *de facto* complainant that on



06.04.2015, her signature had been forged in a Cheque bearing No.735515 and a sum of Rs.36,400/-, was withdrawn from her account. When the account statement was received, she noticed the illegal withdrawal and therefore she approached the Bank and with the help of C.C.TV Camera footages she found that one Pandiselvi, a Staff Nurse of the Primary Health Center, had collected money from the Bank and when Pandiselvi was questioned, she implicated the petitioner / second accused stating that at the instance of the petitioner / second accused, she went to the Bank to withdraw the money.

4. The learned Government Advocate (Criminal Side) submitted that the petitioner / second accused is likely to retire from service in fifteen days and hence the impugned F.I.R., will cause prejudice to her.

5. This Court finds *prima facie* materials in the F.I.R., and hence the investigation in Crime No.406 of 2015 cannot be quashed at this stage. However, the respondent Police shall bear in mind the fact that the petitioner / second accused is to retire from service shortly and if it is found that Pandiselvi has falsely implicated the petitioner / second accused, it is needless to state that further action as against the petitioner / second accused should be dropped forthwith and the concerned Department shall be intimated so that the retirement benefits of the petitioner / second accused are not withheld.

6. With the above observations, this criminal original petition is disposed of. Consequently, connected criminal original petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Assistant Registrar

To

1. The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

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

+ 1 CC TO MR.T.LAJAPATHI ROY, ADVOCATE IN SR NO. 22630

KRK

TE/AN-MP/ : 29/04/2016 : 2P/4C

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and

Cr1.M.P.(MD) No.3082 of 2016
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