



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2016

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THE HONOURABLE MR. JUSTICE P.N. PRAKASH

Crl.OP (MD) No.6437 of 2016

and

Crl.M.P. (MD) No.3199 of 2016

Lalitha Infanta

... Petitioner/Accused

Vs

1. The Inspector of Police,
Suchindram Police Station,
Suchindram.

... 1st Respondent/Complainant

2. The Block Development Officer
(Village Panchayat),
Rajakkamangalam Panchayat Union,
Palavilai,
Kanyakumari District.

... 2nd Respondent/Defacto
complainant

3. The Branch Manager,
State Bank of India,
Themgamputhur Branch,
Agastheeswaram Taluk,
Kanyakumari District,
Branch Code:4920,
IFSC No.SBIN0004920.

... 3rd Respondent/3rd Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records and quash the F.I.R. in Crime No.457 of 2014 dated 03.08.2014 under Section 409 and 420 I.P.C. on the file of the first respondent.

For Petitioner : Mr.T.Arul

For Respondents : Mrs.S.Prabha

Government Advocate (Crl.Side)
for R.1 and R.2

**ORDER**

This petition has been filed to call for the records and quash the F.I.R. in Crime No.457 of 2014 dated 03.08.2014 under Section 409 and 420 I.P.C. on the file of the first respondent.

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2. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl.Side) appearing for the State.

3. On the direction of the District Collector, Mr.Ramlal, Block Development Officer, in charge of Rajakkamangalam Panchayat Union lodged a complaint based to which the respondent police registered a case in Cr.No.457 of 2014 on 03.08.2014 under Sections 409 and 420 I.P.C. On a reading of the F.I.R., it is alleged that the petitioner has systematically swindled totally a sum of Rs.1,98,358/- by fudging records to the effect that the payments have been made to one Suresh, Contractor and M/s Chitra Traders,, a supplier of electrical items to the Panchayat Union.

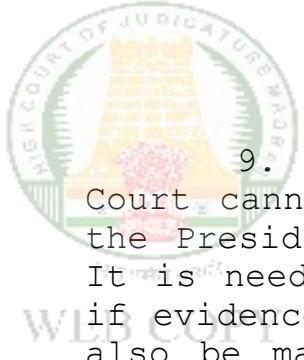
4. The learned Counsel for the petitioner submitted that the petitioner is not the Secretary of the Rajakkamangalam Panchayat Union and that she is in last grade service, who has been falsely implicated by the President and Vice President.

5. The learned Counsel for the petitioner brought to the notice of this Court that for the same set of allegations, the President and the Vice President were removed from their post an they filed writ petition before this Court by giving false particulars, pursuant to which the orders passed by the District Collector removing them from the post was set aside.

6. In the considered opinion of this Court, disputed questions of fact cannot gone into while deciding the maintainability of F.I.R. as held by State of Haryana V. Bhajan Lal reported in *AIR 1992 SUPREME COURT, 604*.

7. This Court perused the case diary and found that the respondent police have recorded the statement of Suresh, Contrator, who has categorically stated that he has not received the sum of Rs.41,549/- which was said to be drawn on account of Panchayat Union by cheque dated 29.03.2012. Similarly one Mr.Natarajan of M/s Chitra Traders has also given statement to the effect that he has stopped to supply materials to the Panchayat Union several years back and has not supplied any electrical items to the Panchayat Union and has not received the amount of Rs.40,104/- said to have been defalcated by the petitioner.

8. The learned Counsel for the petitioner submitted that <https://hdservices.courtsofindia.org/services/> had acted only on the direction of the President and the Vice President who have signed the cheque and she has not been mulcted with the criminal liability.



9. Since the investigation is at very infant stage, this Court cannot presuppose that the police will drop action against the President and Vice President ignoring materials against them. It is needless to state that during the course of investigation, if evidence surfaces about the involvement of others, they should also be made as accused in the final report. Since the F.I.R. prima facie discloses the commission of offence, this Court is of the view that it is not a fit case to quash the F.I.R. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Suchindram Police Station,
Suchindram.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.T.ARUL, ADVOCATE IN SR NO. 22560

SSL

TE/JGB-SS/ : 13/05/2016 : 3P/4C

Cr1.OP No.6437 of 2016
and
Cr1.M.P. (MD) No.3199 of 2016
21.04.2016