

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.02.2017

CORAM

THE HONOURABLE MR. JUSTICE N.AUTHINATHAN

Cr1.O.P. No.28527 of 2009
& M.P.Nos.1 & 2 of 2009

V.V.Rajendran
S/o.Virudhachalam,
Former Circle Supervisor,
Kadathur Primary Agricultural
Co-operative Society,
Kadathur Circle,
Dharmapuri District. ... Petitioner/Accused 7

versus

State rep. by:
The Inspector of Police,
C.C.I.W. C.I.D.,
Dharmapuri District. ... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records and quash the proceedings as against the petitioner in C.C.No.186 of 2009 pending on the file of the learned District Munsif cum Judicial Magistrate, Pappireddipatti, Dharmapuri District.

For Petitioner : Mr.M.Selvam
For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

सत्यमेव जयते
O R D E R

This Criminal Original Petition has been filed by the petitioner to quash the proceedings in C.C.No.186 of 2009 pending on the file of the learned District Munsif cum Judicial Magistrate, Pappireddipatti, Dharmapuri District.

2.The petitioner has been arraigned as A-7. It is alleged that A-1 to A-8 in pursuance of a conspiracy misappropriated the funds to the tune of Rs.4,37,844/- of Kadathur Primary Agricultural Cooperative Society. It is further alleged that in an enquiry conducted under Section 81 of the Cooperative Societies Act, it was found that the funds of the said Society has been misappropriated. Thereafter, a complaint was lodged and

after investigation, charge sheet has been laid. A-1 and A-2 were working as Secretaries and A-3 was working as President of the Society during the relevant period. The petitioner herein is an employee of District Central Cooperative Bank. His responsibility was to supervise the primary societies. It is also alleged that only in pursuance of the conspiracy, the amount of the Society has been swindled.

3.The learned counsel for the petitioner would submit that the proceedings against A-4, a similarly placed accused have been quashed by this Court in CrI.O.P.No.28463 of 2013 dated 23.07.2014 and that, the entire amount involved in this case has already been repaid and that, there was no entrustment of the funds of the Society to the petitioner and the role of the petitioner was only supervisory in character and that, therefore penal actions cannot be taken against the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner was a party to the said conspiracy and therefore, he was prosecuted. He further submitted that the trial has commenced and 7 witnesses have already been examined and the said witnesses were cross examined by the petitioner and only 2 more witnesses are to be examined.

5.The Court below after considering the materials taken the matter on file and thereafter framed charges. It is not in dispute that the petitioner has not approached this Court for quashing the proceedings immediately after the learned Magistrate took cognizance of the offence. He has not approached this Court at the stage of framing charges. The learned Additional Public Prosecutor placing reliance of a judgment of this Court in A.GOVINDARAJAN vs. THE INSPECTOR GENERAL OF POLICE [2007-1-L.W. (CrI.) 493] to submit that petition for quashing under Section 482 Cr.P.C. cannot be entertained after the commencement of trial. As the trial has commenced and the witnesses have been examined, this Court is not inclined to grant the relief sought for by the petitioner. Whatever contentions raised in this petition could be agitated before the trial Court. Therefore, this Criminal Original Petition deserves to be dismissed and accordingly, it is dismissed. Consequently, connected Miscellaneous Petitions are closed.

s/d-
Assistant Registrar(CS-II)

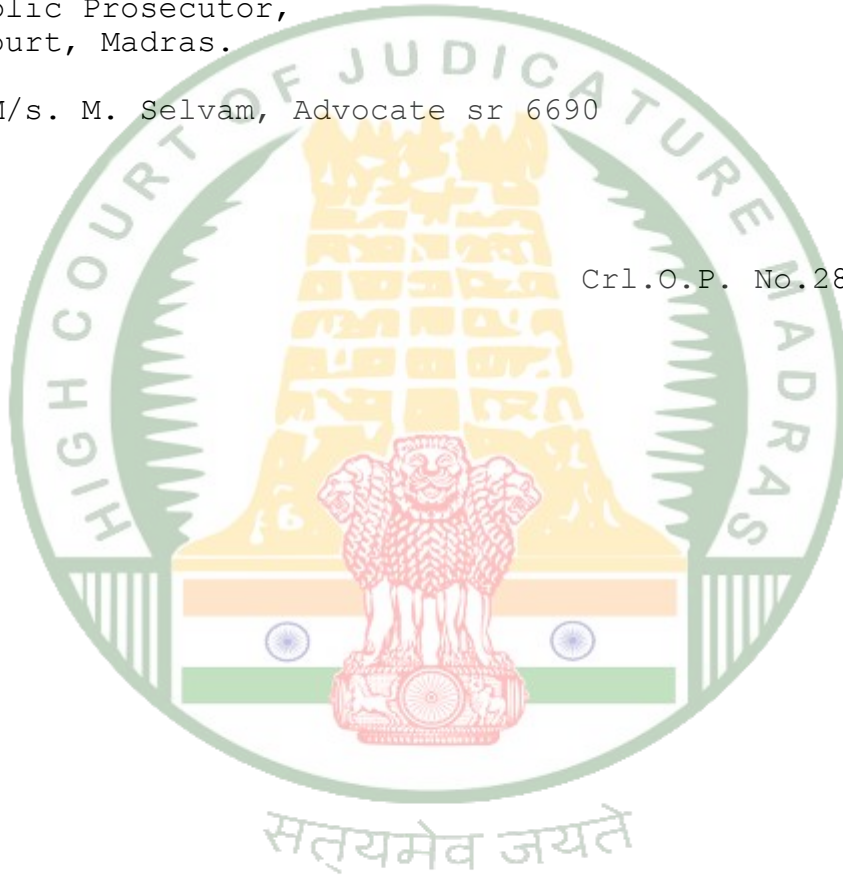
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Sub-Assistant Registrar

To

1. The District Munsif cum Judicial Magistrate,
Pappireddipatti,
Dharmapuri District
 2. The Inspector of Police,
Government of Tamil Nadu,
C.C.I.W. C.I.D.,
Dharmapuri District.
 3. The Public Prosecutor,
High Court, Madras.
- +1 CC to M/s. M. Selvam, Advocate sr 6690

Crl.O.P. No.28527 of 2009



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