



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:15.02.2017

CORAM:

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

CrI.O.P.(MD)No.10405 of 2014andM.P.(MD)No.1 of 2014

WEB COPY

- 1.P.Muniyasamy
- 2.R.Malarvizhi
- 3.Muthulakshmi
- 4.P.Jayasudha
- 5.C.Chandra
- 6.M.Pandiammal
- 7.G.Amutha
- 8.P.Indirani
- 9.V.Eswari
- 10.J.Suriya

:Petitioners/A1 to A10

Vs.

- 1.State represented by
The Inspector of Police,
C.C.I.W. C.I.D.,
Dindigul,
Dindigul District.

- 2.P.Maran
Deputy Registrar of Co-operative Societies,
Dindigul Region,
Dindigul.

: Respondents/Complainants

Prayer: This petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.1 of 2014 on the file of the 1st respondent and to quash the same as illegal and pass such further or other orders.

For Petitioners : Mr.G.Thiruvavutselvan

For 1st Respondent : Mr.K.Anbarasan
Government Advocate
(Criminal side)For 2nd Respondent : Mr.S.Kumar
Additional Government Pleader**ORDER**

This petition is filed to call for the records pertaining to the case in Crime No.1 of 2014 on the file of the 1st respondent and to quash the same as illegal.

2.The case of the prosecution is that all the



petitioners/accused had conspired together and caused loss of Rs.10,10,000/- to the Dindigul District Central Cooperative Bank, by obtaining loan fraudulently during the period between 17.12.2008 and 24.02.2009.

3.The learned counsel appearing for the petitioners would submit that the 1st petitioner is the Branch Manager of Dindigul Central Cooperative Society, Begampur and the 2nd petitioner is the founder of J.J Trust and the other petitioners are members of various self help groups namely, Thulasi, Valarpirai, Vidivelli and Tajmahal in Dindigul District and that the allegations made against the petitioners are baseless and that the enquiry officer appointed in this case without properly enquired the members of the Self Help Groups and pass book and relevant documents in a proper perspective manner and furnished the improper report in a harried manner without application of mind and that the Self Help Group members properly furnished all the relevant papers to the bank and obtained loan in a legal manner and subsequently, they are repaid the loan in installments and without appreciating the above facts, 81 enquiry was ordered and FIR has been registered against the petitioners, which is not valid in law.

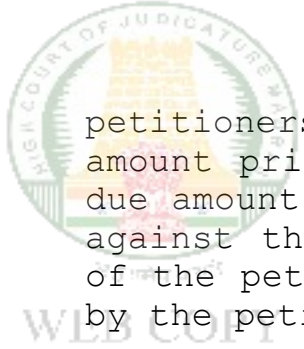
4.The learned counsel appearing for the petitioners would further contend that the allegations made in the First Information Report or in the complaint even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or made out a case against the petitioners and that since, there is no material available in the complaint, the FIR registered against the petitioner is liable to be quashed and accordingly, this petition has to be allowed.

5.The learned Government Advocate (Criminal side) appearing for the 1st respondent would submit that there are prima facie materials available against the petitioner and hence, the FIR registered against the petitioners is valid in law and the same need not be quashed and prayed for the dismissal of the quash petition.

6.Heard the learned Additional Government Pleader appearing for the 2nd respondent and perused the materials available on record.

7.It is seen from the records that in this case, the enquiry officer has furnished supportive documentary and oral evidences for the loans obtained by creating forged documents and after receiving the enquiry report, the 2nd respondent has gone through each and every aspect of the enquiry report and perused the entire records and then only, lodged a criminal complaint against the petitioners.

8.The main contention of the petitioners is that the



petitioners 2 to 10 already paid the major portion of the loan amount prior to the registration of the FIR and paid the balance due amount of Rs.1,06,032/- on 04.03.2014 and hence, the FIR filed against the petitioners has to be quashed. The above contention of the petitioners is not at all accepted, since the payment made by the petitioners 2 to 10 is not a ground to quash the FIR.

9.Further, on the reading of the statement of the complainant, it is clearly revealed that the alleged offences stated in the FIR were clearly made out. Hence, this court is of the considered view that FIR has been rightly registered based on the complaint given by the complainant. Therefore, this court finds that no valid ground is available to quash the FIR registered by the 1st respondent.

10.In the result, this criminal original petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar

To,

1.The Inspector of Police,
C.C.I.W. C.I.D.,
Dindigul,
Dindigul District.

2.The Deputy Registrar of Co-operative Societies,
Dindigul Region,
Dindigul.

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

ER

JS/CM/MSA/23.02.2017/3P-4C

Crl.O.P. (MD) No.10405 of 2014
15.02.2017