



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2017

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDARCrl.O.P.(MD) No.10408 of 2017 and
Crl.M.P.(MD) No.7123 of 2017

T.Senthil Kumar

... Petitioner/Accused

-Vs-1. The Inspector of Police,
City Crime Branch,
Tirunelveli.

... Respondent-1/Complainant

2. P.Kathiraavan,
Regional Business Head,
Shriram Transport Finance Company Ltd.,
No.81, Bye Pass Road,
Madurai - 10.

... Respondent-2/De-facto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records connected with Charge Sheet in C.C.No.338 of 2015 dated 11.11.2015, pending on the file of the Judicial Magistrate No.1, Tirunelveli and quash the same illegal in respect of the petitioner.

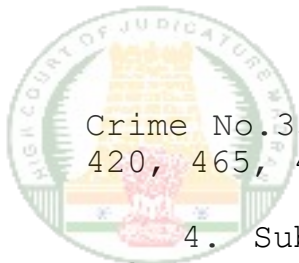
For Petitioner : Mr.A.John Vincent
For Respondents : Mr.K.Anbarasan
Government Advocate (Crl.Side)

O R D E R

This petition has been filed for quashing the criminal case in C.C.No.338 of 2015 pending on the file of the Judicial Magistrate No.I, Tirunelveli.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the first respondents.

3.The case of the petitioner is that a case was registered originally on the basis of the complaint given by the second respondent, who is the business head of Shriram Transport Finance Company Ltd., Tirunelveli Branch. The petitioner has admitted that he was working as a Field Executive in Shriram Transport Finance Company Ltd., Tirunelveli Branch. Alleging that a fraud has been committed by some of the Ex-employees of the Company by getting loan for fictitious vehicles, a case was registered originally in



Crime No.35 of 2014 for the offences punishable under Sections 406, 420, 465, 466, 467, 468, 471 and 472 IPC read with 120 (b) IPC.

4. Subsequently, a charge sheet was filed and the case was taken on file in C.C.No.338 of 2015. It is the case of the petitioner that the petitioner, though employed as Field Executive in Shriram Transport Finance Company Ltd., Tirunelveli Branch, he resigned his job with effect from 19.11.2012. Only after the petitioner's resignation, the irregularities were alleged. Hence, it submitted that the petitioner is no way connected in the criminal case.

5. It is the further contention of the petitioner that there is no specific allegation against the petitioner and the respondent has not produced any records involving the petitioner in the alleged offences. The allegations found in the charge sheet are not only for commission of various criminal offences, but also for offence under Section 120(b) IPC.

6. The factual contention of the petitioner that the petitioner was not involved in the criminal case cannot be gone into at this stage. Having regard to the nature of charges, the veracity of allegations can be gone into only at the time of trial. The fact that a huge fraud had been committed as against the second respondent / Shriram Transport Finance Company Ltd., is not in dispute. Though the petitioner states that he was not in employment during the relevant period, the said statement is disputed.

7. The learned Government Advocate stated that the petitioner was never relieved from the company and the case of the petitioner cannot be accepted on the basis of the statement made before this Court. Having regard to the fact that the charges disclose the involvement and participation of several persons who are the employees of the Shriram Transport Finance Company Ltd., Tirunelveli Branch, this Court do not find any merit in the petition to quash the Charge Sheet. It is open to the petitioner to defend the case on merits and to prove that the petitioner was not involved in any criminal offence on the basis of materials. It is only on the appreciation of the evidence and other materials that may be produced by the petitioner and others with regard to the involvement or non involvement of the petitioner the Court will be in a position to give findings on the issues and pass appropriate orders. This Court therefore find no merit in the case of the petitioner and this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/



To

1. The Judicial Magistrate No.1, Tirunelveli.

2. The Inspector of Police,
City Crime Branch,
Tirunelveli.

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

+ 1 CC TO Mr.A.JOHN VINCENT, ADVOCATE IN SR No. 71577

GSP/CMR

TE/MR-KKR/SAR-III : 30/08/2017 : 3P/5C

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