



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2017

CORAM

**THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN**

Cr1.O.P(MD)No.11803 of 2017

Jebamalar

... Petitioner

Vs.

The State rep.by

1. The Inspector of Police,  
District Crime Branch,  
Tirunelveli District,  
Crime No.16 of 2010.

2. T.D.T.A Higher Secondary Special School  
& Teacher Training Institute,  
rep.by its Manager,  
C.S.I. Diocese Office,  
No.5, Punithavathiyar Street,  
Palayamkottai,  
Tirunelveli District.

... Respondents

**Prayer:** Criminal Original Petition is filed under section 482 of Cr.P.C praying to call for the records pertaining to C.C.No.401 of 2013 on the file of the Chief Judicial Magistrate Court, Tirunelveli and quash the same.

|                                |                                                               |
|--------------------------------|---------------------------------------------------------------|
| For Petitioner                 | : Mr.R.Karunanidhi                                            |
| For 1 <sup>st</sup> Respondent | : Mr.C.Mayilvahana Rajendran<br>Additional Public Prosecutor. |
| For 2 <sup>nd</sup> Respondent | : Mr.S.Chellapandian                                          |

### **ORDER**

The petitioner is the sole accused in C.C.No.401 of 2013 on the file of the Judicial Magistrate Court, No.I Tirunelveli and he stood charged for the offence under Section 409 IPC. The petitioner was working as a Principal in Saral Tucker Women Teacher Training Institute, Palayamkottai. Alleging that the petitioner has misappropriated the funds of the college to the tune of Rs.1,90,000/-, the school authority has filed a complaint against her and based on which, a case has been registered and after completion of investigation, final report has been filed and the case has also been taken on file.

<https://hcservices.ecourts.gov.in/hcservices/>  
2. The case of the petitioner is that she has spent the entire amount to the college only and she is also having due



account for the entire amount. But the Manager, who is working in the Institute, without considering the accounts, has erroneously given the complaint as if the petitioner has misappropriated the funds. After giving the complaint, the petitioner has approached the management and produced proper vouchers and accounts for the amount stated to have been misappropriated by her and being satisfied with the same, the management has come to the conclusion that there is no misappropriation and the entire fund has been spent only for the college and decided to withdraw the complaint and also sent a letter to the respondent police to withdraw the complaint. But, they refused to accept the said letter. In the above circumstances, this petition has been filed to quash the proceedings. The defacto complainant and the petitioner have also filed a joint compromise memo.

3.Today when the matter was taken up for hearing, both the defacto complainant and petitioner were present and the defacto complainant has also produced a resolution dated 21.08.2017 passed in the Governing Board Meeting, in which it is stated that they have decided to withdraw the case as against the petitioner and they have also given authorisation to file compromise memo.

4.Considering the fact that now the matter has been settled between the parties and the management has also satisfied that the petitioner did not misappropriate the funds and she is duly accounted for the entire amount alleged to have been misappropriated by her and the management also not interested to proceed with the criminal case, Even though the offence under Section 409 IPC is a non compoundable offence, considering the fact that the petitioner has proved her innocence before the defacto complainant and based on that, the defacto complainant has also decided not to proceed against the petitioner, in the interest of justice, I am inclined to quash the proceedings.

5.In fine, this Criminal Original Petition is allowed and the proceedings pending against the petitioner in C.C.No.401 of 2013 on the file of the Chief Judicial Magistrate Court, Tirunelveli is quashed.

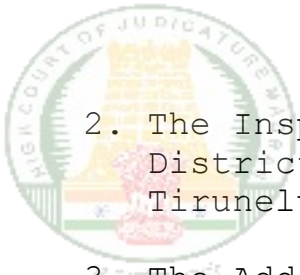
Sd/-  
Assistant Registrar (Crl Side)

/True copy/

Sub Assistant Registrar

To

<https://hservices.tn.gov.in/hservices/judicial>  
The Chief Judicial Magistrate,  
Tirunelveli.



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

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

+ 1 CC TO MR.S.Chellapandian, ADVOCATE IN SR No.80007

mj

MK/KP/SAR-1/03.10.2017/3P/5C

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