



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2017

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THE HON'BLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.12172 of 2017

and

Crl.M.P.(MD)Nos.8425 and 8426 of 2017

1.Elango

2.Madhina Mahariba

... Petitioners/Accused Nos.2 & 3

-Vs-

1. The Inspector of Police,
District Crime Branch,
Madurai.

(Crime No.17 of 2009)

... 1st Respondent/Complainant

2. The Block Development Officer,
East Panchayat,
Madurai East,
Madurai District.

.. 2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to call for the records and to quash C.C.No.41 of 2014 on the file of the learned Judicial Magistrate No.1, Madurai in Crime No.17 of 2009 on the file of the Inspector of Police, District Crime Branch, Madurai.

For Petitioners : Mr.R.Surianarayanan

For Respondents : Mr.K.Anbarasan,
Government Advocate(Crl.side).

ORDER

This Criminal Original petition is filed to call for the records and to quash C.C.No.41 of 2014, on the file of the learned Judicial Magistrate No.I, Madurai in Crime No.17 of 2009 on the file of the Inspector of Police, District Crime Branch, Madurai.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Criminal side) appearing for the



3. Based on the complaint lodged by the second respondent/ defacto complainant, a criminal case was registered as against the petitioners/A2, A3 and the Panchayat Assistant in Crime No.17 of 2009 for offences under Sections 120(b), 409, 405, 468, 471, 420 of IPC.

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4.The defacto complainant in this case is none other than the Block Development Officer, Madurai East Panchayat. The complaint is about the financial irregularities and misappropriation of funds, which was to be paid to several persons under the scheme of Central Government. It is true that the petitioners / A2 and A3 were implicated only on the basis that they were also suspected for joining hand in glow with the first accused, who has admittedly forged the order of the Block Development Officer. It is not in dispute that the first petitioner is the President and the second petitioner is the Vice President of the village and that the occurrence was during the time when they were holding the position as Executive Authorities having check signing power. It is the duty and responsibility of the petitioners to prevent such misappropriation. *Prima facie* the involvement of the petitioners cannot be ruled out unless there are strong circumstances and evidence in the favour of petitioners in these kind of cases. In view of the matter, this Court is not inclined to entertain this petition. It is open to the petitioners to establish their case in defence at the time of trial.

5. Accordingly, the Criminal Original petition is dismissed. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
District Crime Branch, Madurai.
2. The Block Development Officer,
East Panchayat, Madurai East, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

MRN/PJL

MAS/JC/SAR1:11.10.2017:2P-4C

Cr1.O.P.(MD) No.12172 of 2017

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