



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2017

CORAM

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P(MD)No.12318 of 2017

V.Subbaiah

... Petitioner/Sole Accused

-Vs-

1. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Dindigul.

... 1st Respondent/Complainant

2. John Vincent

... 2nd Respondent/Defacto
Complainant

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records pertaining to the F.I.R., in Crime No.5 of 2015, on the file of the 1st Respondent and quash the same as illegal.

For Petitioner	: Mr.P.Banu Prasath
For 1 st Respondent	: Mr.C.Mayilvahana Rajendran Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed for seeking to quash the F.I.R., in Crime No.5 of 2015, on the file of the respondent police. The petitioner is the sole accused and a case has been registered against him for the offences punishable under Sections 409, 467, 468, 471 of I.P.C., and under Sections 13 (2) r/w.13 (1) (c) of Prevention of Corruption Act, 1988.

2.The above complaint has been filed on the ground that the petitioner was working as a Secretary in the Primary Agricultural Co-operative Society and he has applied for jewel loan in the name of dead persons and the name of the members bogusly and also misappropriated a sum of Rs.6,42,000/-.

3.Thereafter, an enquiry was conducted and the enquiry revealed that the petitioner has misappropriated the amount and hence, a case has been registered in Crime No.5 of 2015. Now, to quash the FIR, the present Criminal Original Petition has been filed.

<https://hcservices.ecourts.gov.in/hcservices/>

4.Heard Mr.P.Banu Prasath, learned Counsel appearing for the



petitioner and Mr.C.Mayilvahana Rajendran learned Additional Public Prosecutor for the first respondent.

5. The learned counsel for the petitioner would submit that the occurrence took place in the year 2012 and the FIR has been registered in the year 2015. Apart from that, the petitioner is not involved in the crime. He is only the President of the society and on that ground he wants to quash the FIR.

6.Considering the above submissions and also carefully gone through the entire materials available on record and on a perusal of the FIR, it could be seen that earlier a detailed enquiry was conducted departmentally and the enquiry revealed that the petitioner misappropriated the Society fund to the tune of Rs.6,42,000/- by withdrawing the jewel loan in the name of the dead persons and bogus members name. Based on the enquiry, a complaint has been registered.

7.Prima facie case is made out against the petitioner and if at all any other person involved in the offence, it is for the investigating agency to investigate the case and on that ground the petitioner cannot seek to quash the FIR. There is no ground to quash the FIR.

8.With the above observation, Criminal Original Petition is dismissed. No costs.

Sd/-

Assistant Registrar (Crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Dindigul.
2. The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.P.BANU PRASATH, ADVOCATE IN SR No. 79988

DAS/AM

TE/MR-KKR/SAR-I : 27/09/2017 : 2P/4C