



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD).No.17596 of 2017

and

CRL.M.P.(MD)Nos.11522 and 11523 of 2017

S.Premavathi

... Petitioner / Accused No.7

Vs.

1.The State of Tamil Nadu represented by
The Inspector of Police,
District Crime Branch,
Karur - 639 007, Karur District.
(in Crime No.1 of 2010) ... 1st Respondent / Complainant

2.The Assistant Superintendent of Post Offices,
Karur Sub-Division,
Karur - 639 001. ...2nd Respondent / De-facto
Complainant

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the Charge Sheet in C.C.No.148 of 2013 on the file of the learned Judicial Magistrate No.I, Karur and quash the same insofar as the petitioner / 7th accused is concerned.

For Petitioner : Mr.C.K.M.Appaji

For R1 : Mr.K.S.Duraipandian
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for quashing the charge sheet in C.C.No.148 of 2013 on the file of the learned Judicial Magistrate No.I, Karur.

2.A complaint was lodged by the second respondent against the petitioner and others and the same was registered by the first respondent police in Crime No.01 of 2010 for the alleged offences punishable under Sections 120(b), 464 r/w 465, 477 A, 471 r/w 468 and 420 of IPC. After filing the charge sheet, the case was taken on file in C.C.No.148 of 2013 by the learned Judicial Magistrate No.I, Karur. The allegation found in the charge sheet is that the accused are the staffs and Postal agents attached to the Post



Office, Karur and they had unauthorisedly withdrew money from the Recurring Deposits of various account holders.

3. It is not in dispute that the petitioner is the in-charge of SB Branch in the Karur Head Post Office and she is the person, who is verifying the specimen signature of the account holders. The petitioner herself admitted that a fraud was committed by one postal assistant, namely, Radhakrishnan, with the help of postal agent one Jawahar, who were benefited by the fraud. The petitioner, immediately, after coming to know about the quantum of fraud, paid a sum of Rs.8,369/- to the credit of the account.

4. The learned Counsel for the petitioner submitted that the charge sheet in C.C.No.148 of 2013 insofar as the petitioner, *per se*, is illegal, erroneous and unsustainable one. It is further stated that the charge sheet does not *prima facie* allege or disclose the essential requirements of Sections 464, 465, 477A, 471 r/w 468 and 420 IPC. Absolutely there is no material available to implicate the petitioner in any of the charges against the accused. It is further stated by the learned Counsel for the petitioner that the charge sheet is patently absurd and inherently improbable and that no prudent man can even come to the conclusion that there is sufficient ground to proceed against the petitioner / 7th accused. It is also reiterated that the petitioner had rendered 33 years of unblemished service and she had never indulged in any act of misappropriation or other offences, while discharging her duties. Merely because the petitioner had signed on the withdrawal slip, believing the verification made by the fellow staffs, the petitioner has been unnecessarily roped in as an accused in the criminal case.

5. Going by the charge sheet that was filed in C.C.No.148 of 2013 on the file of the learned Judicial Magistrate No.1, Karur, it is evident that it is framed on the basis of the statements obtained from various witnesses. It is a settled law that the charge sheet or the First Information Report cannot be quashed, merely because the proposed accused dispute the allegations made in the complaint or in the charge sheet. This is a case where the petitioner has disputed the facts only on probabilities.

6. The petitioner herself admitted her negligence while verifying the withdrawal slip and posting, because she believed the verification made by her fellow staff. Having regard to the settled position of law and the position that the disputed question of fact cannot be gone into at this stage, where the petition is filed for quashing the proceedings, this court is not inclined to entertain this petition. Accordingly, the Criminal Original Petition is dismissed.

7. The learned Counsel for the petitioner further submitted that the petitioner is an aged lady and therefore her appearance may be dispensed with. Considering the nature of charges against the petitioner and the petitioner is an aged lady, the presence of the



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petitioner is dispensed with unless and until her appearance is specifically required by an order of Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

1.The Judicial Magistrate No.1, Karur.

2.The Inspector of Police,
District Crime Branch,
Karur - 639 007, Karur District.

3.The Assistant Superintendent of Post Offices,
Karur Sub-Division, Karur - 639 001.

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

+One cc o Mr.C.K.M.Appaji, Advocate, SR.No.94554

pnn/cmr

RL/6C/3P/KKR/SAR1/18/1/2018

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