



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2017

CORAM

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

Crl.O.P.(MD) No.8370 of 2017

and

Crl.M.P(MD) No.5657 of 2017

C.Elango

... Petitioner/Accused No.2

-vs-

1.State rep by

The Inspector of Police,

C.C.I.W.(Commercial Crime

Investigation Wing) Police Station,

Pudukkottai.

...Respondent/Complainant

2.The Deputy Registrar of Co-operative Societies,

Aranthangi,

Rep. by N.Muthukumar

...De-facto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying this Court to call for the records relating to FIR in Crime No.4 of 2017 on the file of the 1st respondent and to quash the same.

For Petitioner : Mr.V.Sitharanjandas

For R-1 : Mr.K.Anbarasan
Government Advocate (Crl.Side)**ORDER**

This Criminal Original Petition has been filed praying this Court to call for the records relating to FIR in Crime No.4 of 2017 on the file of the 1st respondent and to quash the same.

2.Heard the learned counsel for the Petitioner and the learned Government Advocate(Crl.side) appearing for the first respondent and perused the materials placed before this Court.

3.The learned counsel for the Petitioner himself has stated that a case has been registered in Crime No.4 of 2017, on the file of the first respondent. The learned counsel would further submit that the accused has caused a loss to the tune of Rs.1,19,000/- to the Society by certain irregularities. When surcharge proceedings were initiated against the accused, the



Petitioner submit that the entire amount which was alleged as loss to the society was repaid by the accused and that therefore, surcharge proceedings were closed. Having admitted by their conduct that there was a loss to the tune of Rs.1,19,336/- and that they have deposited the said amount the Petitioner has also indirectly admitted the misconduct for which the criminal case has been registered. Hence prima facie case has been made out as against the accused. In such circumstances, this Court is not inclined to exercise the power conferred under Section 482 of Cr.P.C to quash the FIR lodged against the Petitioner. Therefore this Court is not inclined to entertain this petition to quash the FIR as prayed for by him.

4. Accordingly, the Criminal Original Petition is dismissed with an observation that the findings above recorded will not prejudice the rights of the Petitioner while defending the criminal case. Consequently, connected Miscellaneous Petition is dismissed.

Sd /-
ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The Inspector of Police,
C.C.I.W. (Commercial Crime
Investigation Wing) Police Station,
Pudukkottai.

2. Deputy Registrar of Co-operative Societies,
Aranthangi.

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

+1 CC TO MR.V.SITHARANJANDAS, ADVOCATE, SR NO.63449

vsn
MAS/MR-KKR/SAR2:13.07.2017:2P-5C

CrI.O.P.(MD) No.8370 of 2017
and
CrI.M.P(MD) No.5657 of 2017
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