

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.10604 of 2018
and
Crl.M.P.No.5426 of 2018

R.Elumalai

Petitioner

Vs

1. The State Rep. by
Inspector of Police,
District Crime Branch
Villupuram District.

2.V.Kasthuri

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to call for the records pertaining to F.I.R. In Crime
No.21 of 2012 pending on the file of the 1st respondent police
and quash the same in respect of the petitioner/A1 alone.

For Petitioner : Mr.A.Rajesh Kanna

For Respondents : Mr.C.Raghavan

Govt. Advocate (Crl. Side) [R1]

No Appearance [R2]

O R D E R

This petition is filed to quash the F.I.R. in Crime No.21 of
2012 pending on the file of the 1st respondent police.

2. The petitioner is the Panchayat Secretary of the Nallavur
Village, during the relevant point of time. On the complaint
lodged by the second respondent viz., Kasthuri, who is the
Panchayat President of the said Village, the respondent police
has registered a case in Crime No.21 of 2012 under Sections 409,
465, 467, 468, 471, 477(A), 420 and 120(B) of I.P.C. against the
petitioner and others for misappropriation of funds under
"Kalaigiar House Building Scheme". Challenging the F.I.R. in
Crime No.21 of 2012, the petitioner/A1 has filed this quash
petition.

3. The learned counsel for the petitioner submitted that the petitioner was only the Secretary of the Panchayat and that he did not have the cheque signing powers. He also submitted that the cheque signing powers were with the President of the Panchayat. He further submitted that in the enquiry conducted by the District Collector, the petitioner has been exonerated.

4. Per contra, the learned Government Advocate (Crl. Side) appearing for the first respondent submitted that investigation is almost completed and during the course of investigation, it came to light that the petitioner has embezzled the funds to the tune of several lakhs of rupees.

5. On a perusal of the Case Diary, it is seen that the respondent police have obtained the specimen handwriting and signature of the accused and had sent the same to the handwriting expert for comparison with the disputed signature and handwriting in the various records, that were maintained by the accused in the Panchayat. Thus, when there are sufficient materials collected during the investigation, the F.I.R. cannot be quashed at the threshold, in the light of the law laid down by the Hon'ble Supreme Court in the case of State of Haryana v. Bhajan Lal reported in 1992 Supp (1) SCC 335.

Hence, this Criminal Original petition is dismissed. The respondent police is directed to complete the investigation and file the final report within three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar (CS-V)

True Copy
Sub-Assistant Registrar

vsm

To

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

2. The Public Prosecutor,
High Court, Madras

+1 CC to Mr.A. Rajesh Kumar, Advocate sr 32436.

CRL.OP.No.10604 of 2018

SP(11/05/2018)