

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2018

CORAM:

THE HON'BLE MR.JUSTICE P.N.PRAKASH

CrI.O.P.No.22872 of 2018

Muthuramalingam @ Muthuraman

..Petitioner

Vs.

1.State represented by
The Inspector of Police
Arcot Town Police Station
Vellore District.

2.V.Manivannan

..Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code to call for the records in Cr.No.50 of 2018 pending investigation on the file of the respondent herein, viz., the Sub Inspector of Police, Arcot Police Station, Vellore, quash the same as against the petitioner.

For Petitioner : Ms.V.Anusha

For R1 : Ms.M.Prabhavathi

Additional Public Prosecutor

O R D E R

This petition has been filed to call for the records in Cr.No.50 of 2018 pending investigation on the file of the respondent herein, viz., the Sub Inspector of Police, Arcot Police Station, Vellore and quash the same as against the petitioner.

2. On the complaint lodged by the second respondent, the first respondent police have registered a case in Cr.No.50 of 2018 on 02.02.2018 for the offences under Sections 406, 420 and 506(i) IPC against Vijayakumar [A1], Muthuramalingam [A2] and Govindasamy [A3], for quashing which, Muthuramalingam [A2] is before this Court.

3. Heard the learned counsel for the petitioner/A2 and the learned Additional Public Prosecutor appearing for the State.

4. It is the case of the de facto complainant that Vijayakumar [A1] and Govindasamy [A3] purchased rice bags from him from 20.10.2016 to 06.06.2017 to the tune of Rs.30,86,500/- and after receiving the consignment, they hypothecated the said consignment with the connivance of the petitioner/A2 in Karur Vysya Bank, where the petitioner was working as Manager and raised loans thereon and defaulted in making payment.

5. Learned counsel for the petitioner/A2 submitted that the transaction period is from 25.04.2017 to 05.06.2017, whereas, the petitioner/A2 joined as Branch Manager only on 07.09.2017 and therefore, he has been falsely implicated.

6. Per contra, the Investigating Officer in the status report dated 28.09.2018, has stated as follows:

"7. It is submitted that the case is under preliminary stage. As soon as I secure A1 & A3, only I will be able to proceed further investigation and also to know real facts of the case. Myself and our team sincerely putting our efforts to secure A1 & A3.

8. It is submitted that the overt act attributed to the petitioner/A2 is that, he is working as Manager in Karur Vysya Bank, Chinna Salem, in the said capacity, connivance with A1 & A3, he released the loan against mortgaged of Rice bags from A1 & A3 which was received from various Rice Mill owners, and shared the amount between themselves [A1 to A3] and thus they have committed the offence of cheated the Rice Mill owners.

9. It is submitted that I am conducting the investigation in a fair, free and impartial manner in accordance with law. All the mandatory provisions have complied. A case was registered and the investigation is under preliminary stage. Hence at this stage, there is no necessity to call for records and quash the same in FIR No.50/2018 pending on the file of the respondent as prayed by the petitioner/A2 in his petition."

7. Admittedly, anticipatory bail has been granted to the petitioner and therefore, there is no fear of arrest by the police. Under such circumstances, a thorough investigation is essential to find out the truth. This Court directs the Deputy Superintendent of Police, Ranipet Sub Division to monitor the

investigation in Arcot Town Police Station Cr.No.50 of 2018 that is being conducted by the Inspector of Police, Arcot Town Police Station and expeditiously complete the same.

With the above direction, this petition is closed.

gms

Sd/-
Assistant Registrar(CS VI)

//True Copy//

To Sub Assistant Registrar

1.The Inspector of Police
Arcot Town Police Station
Vellore District.

2.The Public Prosecutor, High Court, Madras.

3. The Deputy Superintendent of Police,
Ranipet Sub-Division.

+1cc to Mr.A.V.Radhakrishnan, Advocate S.R.No.69100

KR/31/10/18

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