

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.11.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.25726 of 2018
and
CRL.M.P.No.14719 of 2018

1.Senthilkumar
2.Chandrasekaran ..Petitioners/Accused 1 & 2

Vs

1.The State Rep. by,
The Inspector of Police,
District Crime Branch,
Namakkal.
(Crime No.14 of 2017) ..R1/Complainant
2.M.Sengottaiyan ..R2/Defacto Complainant

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to call for the records relating to the FIR in Crime No.14 of 2017, on the file of Inspector of Police, District Crime Branch, Namakkal and to quash the saem.

For Petitioners : Mr.C.Prabakaran
For 1st Respondent : Mrs.M.Prabhavathi, APP

O R D E R

The petitioners are one among the Trustees in Rajiv Gandhi Educational Charitable Trust, which runs a few educational institutions. While so, the 1st petitioner found certain irregularities in the accounts of the Trust, pursuant to which, he lodged a complaint, based on which, a case in District Crime Branch, Crime No.8 of 2017 has been registered on 26.07.2017 under Sections 465 and 409 IPC against Sengottaiyan and 7 others. While that being so, Sengottaiyan filed a petition in C.M.P.No.4154 of 2017 before the Judicial Magistrate, Rasipuram and on the directions of the learned Magistrate, the respondent Police have registered a case in Crime No.14 of 2017 on 12.10.2017 under Section 465, 468, 471, 420 and 409 IPC against the petitioners, for quashing which, the petitioners are before this Court.

2.Heard Mr.C.Prabakaran, learned counsel for the accused and the learned Additional Public Prosecutor.

3.Learned counsel for the accused submitted that the present FIR is a counter blast to the FIR in Crime No.8 of 2017 and that, there has not been any act of misappropriation of funds by the petitioners as alleged by the de facto complainant in Crime No.14 of 2017. He also contended that the de facto complainant was a Trustee for a short period and since he was not able to administer the Trust, he was removed from the governing body and the Trust is now being administered by a governing body elected by the Trustees, in which, the 1st petitioner is a Correspondent and the 2nd petitioner is a Treasurer. He also contended that a suit in O.S.No.28 of 2016 was filed against the petitioners and the Sub Court, Rasipuram has dismissed the Injunction Application. Hence, Mr.C.Prabakaran contended that the present FIR is clearly an abuse of process of law.

4.Though, there is sufficient force in the submission of the learned counsel for the accused, yet, the FIR cannot be quashed at the threshold. Hence, this Court directs the Deputy Superintendent of Police, DCB, Namakkal to monitor the investigation in Crime Nos.8 of 2017 and 14 of 2017 and during the course of investigation, if it is found that the allegations are false, it is needless to state that further action against the petitioners should be dropped in Crime No.14 of 2017. The investigation shall be completed within a period of six months from the date of receipt of a copy of this order.

With the above direction this petition is closed. Consequently connected Miscellaneous Petition is closed.
dua/gya

Sd/-
Asst.Registrar (CS IX)

/true copy/

Sub Asst. Registrar

To

- 1.The Deputy Superintendent of Police,
District Crime Branch, Namakkal.
 - 2.The Inspector of Police,
District Crime Branch, Namakkal.
 - 3.The Public Prosecutor, High Court, Madras.
- + 1 CC TO MR.C.PRABAKARAN, ADVOCATE SR 75809

KR/19/11/18

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