



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI. OP (MD)No.19406 of 2013

and

MP(MD)No.1 of 2013

J.Lalith Infenda

... Petitioner / Accused

Vs.

1. The State of Tamil Nadu rep. by
the Inspector of Police,
Suchindram Police Station,
Suchindram.

2. R.Radish Chandramohan,
The Block Development Officer,
Rajakkamangalam Panchayat Union,
Village Panchayat, Palavilai,
Kanyakumari District.

3. The Branch Manager,
State Bank of India,
Agastheeswaram Taluk,
Kanyakumari District,
Branch Code : 4920,
IFSC No.SBIN0004920.

... Respondents

Prayer : This Criminal Original Petition is filed Under Section 482 of Criminal Procedure Code to call for the records relating to the proceedings in Crime No.454 of 2013 on the file of the first respondent police and quash the same.

For Petitioner : Mr.T.Arul

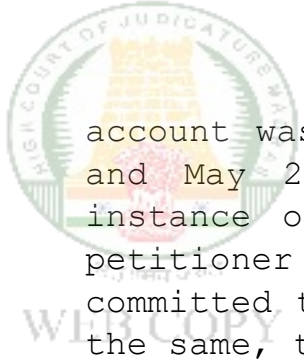
For Respondents : Mr.A.Robinson

Government Advocate for R1

No appearance for R2 and R3

ORDER

The petitioner was employed in Pallamthurai Village Panchayat as a Secretary. The President and Vice-President of the panchayat had withdrawn a sum of Rs.1,52,994/- through four self drawn cheques. It is seen that the withdrawal of the money from the bank



account was done by the petitioner herein. This was on March 2012 and May 2013. The impugned F.I.R has been registered at the instance of the local Block Development Officer. Strangely, the petitioner alone has been implicated as the sole accused for having committed the offences under Sections 409 and 420 IPC. Questioning the same, this O.P has been filed.

2.The learned counsel appearing for the petitioner pointed out that the petitioner is not guilty of any wrong doing. As the Panchayat Secretary and servant of the panchayat, she is bound to comply with the direction of her superior. In this case, it is the President and Vice-President who had handed over the four self drawn cheques to the petitioner and withdrawn the amount from the bank account of the panchayat.

3.If the prosecution is of the view that any wrong doing has been committed, it is only the president and vice president who must be prosecuted. The petitioner except having obeyed the instruction of her superiors, had not done any wrong. Making the petitioner to face the impugned prosecution can only be said to be an abuse of legal process. Hence, the impugned F.I.R is quashed. This Criminal Original Petition is allowed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Suchindram Police Station, Suchindram.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.T.ARUL, Advocate in SR.No.63817

SKM

RJ/PN/SAR-1/13/07/2018 - 2P/4C

**Cr1. OP (MD)No.19406 of 2013
and**

**MP (MD)No.1 of 2013
26.04.2018**