SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.8777 of 2011

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in C.C.No.7 of 2011, against the petitioner, who is A1, on the file of the Judicial Magistrate of First Class, Salur. The offences alleged are under Sections 420, 468, 471 read with Section 34 of the Indian Penal Code.

2. Heard the counsel for the petitioner and the learned Public Prosecutor, appearing for the first respondent. None appears for the second respondent in spite of notice.

3. As per the contents of the charge sheet, it is A2, who obtained a singed blank cheque from L.W.1 in the month of June 2007 stating that it is needed to secure a demand draft. He also obtained signatures on surety papers from L.W.4 and also secured his bonds for Rs.1,20,000/- and participated in the auction on behalf of L.W.1 without his knowledge and consent, which took place on 17.06.2007 in Salur Branch at Shri Ram Chits. The bid went in favour of L.W.1 for a loss of Rs.54,500/- and A2, with the consent and connivance of A1, put in the surety papers obtained from L.W.4 as if he stood as surety for L.W.1 and obtained the cheque for the bid amount. Then A2 produced the said cheque for Rs.1,90,640/- into the account of L.W.1.Then A2 obtained a DD from the account of L.W.1 and transferred it to his own account with the knowledge and consent of L.W.1.

After some time, the collection agent of Shri Ram Chits enquired L.W.1 as to who will p ay the monthly subscription amount. L.W.1 then proceeded to the Branch Manager and found out the state of affairs. A2 on coming to know about L.W.1's enquiries, immediately paid Rs.70,000/- on 09.08.2007 in a lump sum towards the remaining instalments and got closed the Chit No.1/25 in the name of L.W.1.

4. Hence, from the above averments, it is clear that except making one submission that A2 with the consent and connivance of A1 put in the surety papers, there is no specific allegation made against A1 that he helped A2, being the Branch Manager and that he had any role to play in the acts of A2. The conduct of A2 in paying Rs.70,000/- also shows that he is the person, who has done the act for unlawful gain. Hence, in view of the above, this Court opines that continuation of further proceedings against the petitioner would not serve any purpose.

In the light of the above, the criminal petition is allowed and the proceedings in C.C.No.7 of 2011, against the petitioner, who is A1, on the file of the Judicial Magistrate of First Class, Salur, are hereby quashed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

T. RAJANI, J

September 28, 2018
DSK