

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.Nos.8400 and 24685 of 2013
and

MP.Nos.1 of 2013 in Crl.O.P.No.8400 of 2013
and 1 of 2013 in Crl.O.P.No.24685 of 2013

Crl.O.P.NO.8400 of 2013

1. K.Wahida
2. C.Sasikala Petitioners

Vs.

1. The Inspector of Police,
CCIW-CID,
Chennai.
(Crime No.8 of 2007)
2. The Deputy Registrar (Credits),
Chennai Central Co-operative Banks Ltd.,
Anna Salai Branch,
Chennai-600 108.
... Respondents

Crl.O.P.NO.24685 of 2013

K.K.Latha Petitioner

Vs.

1. State rep.by Inspector of Police,
CCIW-CID,
Chennai.
(Crime No.8 of 2007)
2. The Deputy Registrar (Credits),
Chennai Central Co-operative Banks Ltd.,
Anna Salai Branch,
Chennai-600
108.
... Respondents

COMMON PRAYER: Criminal Original Petitions filed under
Section 482 of Cr.P.C, praying to call for the records
pertaining to the proceedings pending in C.C.No.4265 of
2009 on the file of the learned II Metropolitan Magistrate,
Egmore, Chennai and quash the same.

Crl.O.P.NO.8400 of 2013

For Petitioner : Mr.S.Vijaya Kumar
for M/s.P.Kannan Kumar

For Respondents : Mr.R.Surya Prakash,
Government Advocate (Crl.Side) for R1

Crl.O.P.NO.24685 of 2013

For Petitioner : No Appearance

For Respondents : Mr.R.Surya Prakash,
Government Advocate (Crl.Side) for R1

COMMON ORDER

Crl.OP.No.8400 of 2013 has been filed by the accused Nos.2 and 3 to quash the proceedings against them in C.C.No.4265 of 2009 on the file of the Metropolitan Magistrate No.II, Egmore, Chennai.

2. Crl.OP.No.24685 of 2013 has been filed by the accused No.1 to quash the proceedings against her in C.C.No.4265 of 2009 on the file of the Metropolitan Magistrate No.II, Egmore, Chennai.

3. The second respondent herein had lodged a complaint before the first respondent stating that the petitioners herein and one P.Shanmugavel (A-4) have obtained a loan from the second respondent bank and thereafter, they have failed to repay the same and hence they are liable to be punished under Sections 406, 467, 468, 471, 477(A) and 420 I.P.C. Based on the said complaint, the first respondent has registered a case in Crime No.8 of 2007 and investigated the matter and filed a charge sheet stating that the petitioners herein and the said Shanmugavel have committed the offences punishable under Sections 406, 408, 468, 471, 477(A), 420 r/w 109 I.P.C.

4. Based on the aforesaid charge sheet, the Metropolitan Magistrate No.II, Egmore, Chennai, has taken the case on file in C.C.4265 of 2009 and issued summons to the accused persons. After receipt of summons, the accused No.1 has filed Crl.OP.No.24685 of 2013 and the accused Nos.2 and 3 have filed Crl.OP.No.8400 of 2013 under Section 482 of Cr.P.C to quash the proceedings against them in C.C.No.4265 of 2009 on the file of the Metropolitan Magistrate No.II, Egmore, Chennai.

5. Though the name of the petitioner and the name of the learned counsel for the petitioner in Crl.OP.No.24685 of 2003 has been printed in the cause list and also displayed in the Display Board, neither, the petitioner or the counsel for the petitioner appeared in Crl.OP.No.24685 of 2013. The learned counsel for the petitioners in Crl.OP.No.8400 of 2013 has submitted that the petitioner No.1 in Crl.OP.No.8400 of 2013 died on 08.11.2013 and to that effect, he has produced a xerox copy of the death Certificate.

6. The learned Government Advocate (Criminal side) has submitted that already trial has been commenced before the trial court one witness was examined as P.W.1 on the side of the prosecution on 20.01.2014 itself and hence he requests to dismiss these petitions and direct the petitioners to face the trial.

7. Considering the fact that already the trial has been commenced and one witness was examined as P.W.1 on the side of the prosecution on 20.01.2014 itself, this Court is of the view that it would not be proper to interfere in the proceedings of the Trial Court at this stage. The Trial Court shall be allowed to complete the trial and dispose of the case in accordance with law and hence, these petitions are liable to be dismissed .

8. In the result, since the first petitioner in Crl.OP.No.8400 of 2013 died during the pendency of this petition, the proceedings against her is abated. So far as, the petitioner in Crl.OP.No.24685 of 2013 and the second petitioner in Crl.OP.No.8400 of 2013 are concerned, petitions are dismissed. It is open to them to contest the case before the Trial Court. Consequently, connected miscellaneous petitions are closed.

सत्यमेव जयते

Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

vv
To

1. The II Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police,
CCIW-CID, Chennai.

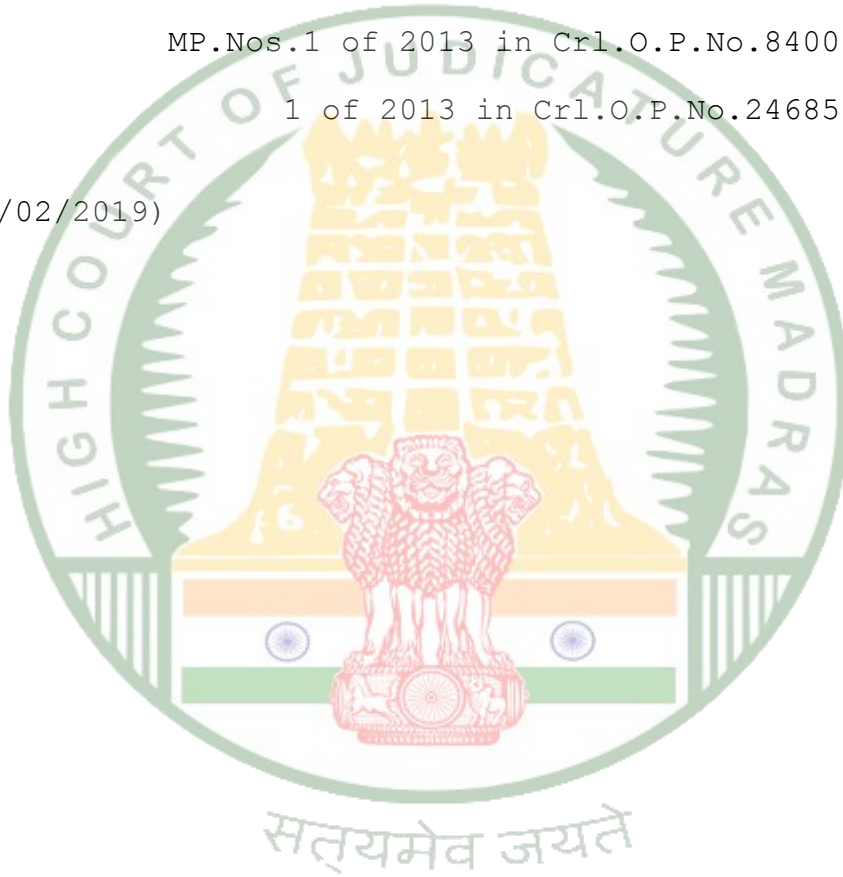
3. The Deputy Registrar (Credits),
Chennai Central Co-operative Banks Ltd.,
Anna Salai Branch,
Chennai-600 108.

4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.P.Kannan Kumar, Advocate SR.No. 6273

Crl.OP.Nos.8400 and 24685 of 2013
and
MP.Nos.1 of 2013 in Crl.O.P.No.8400 of 2013
and
1 of 2013 in Crl.O.P.No.24685 of 2013

A.SK(26/02/2019)



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