

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 18.10.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.R.C.No.635 of 2017

Mohammed Kaleemulla

.. Petitioner/A2

Vs

State represented by
The Inspector of Police,
CCIW - C.I.D., Salem.

... Respondent/Complainant

Prayer:- This Criminal Revision has been filed, under Section 397 read with 401 of Cr.P.C., to set aside the impugned dismissal order dated 01.03.2017, made in Crl.M.P.No.8020/2016 in C.C.No.87/2014, by the learned Judicial Magistrate court No.II, Mettur, Salem District.

For Petitioner : Mr.Shanmugavelayutham, Senior Counsel
for Mr.N.A.Ravindran

For Respondent : Mr.M.Mohamed Riyaz, APP

ORDER

The learned Senior Counsel, Mr.S.Shanmugavelayutham, appearing for the petitioner would submit that the petitioner was working in the Co-operative Department and that in respect of the allegation of mis-appropriation committed by the officers of the Society, the petitioner was not even summoned for under Section 81 of the Tamil Nadu Co-operative Societies Act, 1983 enquiry, conducted by the Department, since, the alleged loans have been disbursed prior to him joining the society. Whereas, the final report has been filed implicating the petitioner as accused no.3. He would submit that in respect of similarly placed accused as that of the petitioner, who have infact been enquired by the Department and later exonerated and against whom charge sheet had been filed by the respondent had approached this Hon'ble Court under Section 482 of Cr.P.C., for questioning and this Court has quashed the proceedings. Inadvertently, the petitioner had approached the Trial Court, by filing the application for discharge and the Trial Court had dismissed the discharge application against which, the present revision has been filed. He would further submit that since the quash

petition in respect of similarly place accused have been allowed, liberty may be granted to withdraw this criminal revision petition and approach this Hon'ble Court under Section 482 of Cr.P.C., to file quash petition. The learned counsel for the petitioner has also made an endorsement in this petition to that effect.

2 In view of the submissions and the endorsement made by the learned counsel for the petitioner, this Criminal Revision Petition stands dismissed as withdrawn, granting liberty to the petitioner to file a petition under Section 482 of Cr.P.C., to quash, if grounds are made out.

Sd/-
Assistant Registrar (Insp.Cell)

//True Copy//

Sub Assistant Registrar

ssi

To:

1.The Judicial Magistrate court No.II, Mettur, Salem District.

2.The Inspector of Police, CCIW - C.I.D., Salem.

+1 cc to Mr.N.A.Ravindran, Advocate, S.R.No.87818

Cr1.R.C.No.635 of 2017

SAI (CO)
SSM(22/10/2019)

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