

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

Crl.O.P.No.30289 of 2018
and
Crl.M.P.Nos.17817 and 17820 of 2018

M.Periyasamy

...Petitioner/Accused A10

Vs

The Inspector of Police,
CCIW CID, Vellore,
Vellore District.

...Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to call for the entire records concerned in C.C.No.453 of 2016 on the file of the Judicial Magistrate-II, Vellore, Vellore District and quash the same in so far as the petitioner's concerned or delete his name from the chargesheet.

For Petitioner : Mr.B.Lenin Balu

For Respondent : Mr.C.Iyyapparaj,
Additional Public Prosecutor

O R D E R

As per the overt act attributed, the petitioner herein was arrayed as the tenth accused, stating that when one of the accused had not conducted the pre-audit, the petitioner herein, who was the General Manager had not taken any further action on the same. Owing to this, there has occurred a loss to the society. In identical circumstances, the third accused Sripathi, who had challenged the same enquiry proceedings in C.C.No.453 of 2016 in Crl.O.P.No.17100 of 2017, this Court had quashed the proceedings by an order dated 23.09.2019, insofar as it relates to the petitioner therein, by taking into account the overt act attributed to that accused. Since the overt act attributed to the petitioner herein is also one and the same, this Court is inclined to extend the same relief to the petitioner.

2.In the light of the above, the impugned charge sheet in C.C.No.453 of 2016 on the file of the Judicial Magistrate-II, Vellore, Vellore District, in so far as it relates to the petitioner herein is quashed.

3.The Criminal Original Petition is allowed. Consequently,
the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

tsg
To

1.The Judicial Magistrate-II,
Vellore, Vellore District.

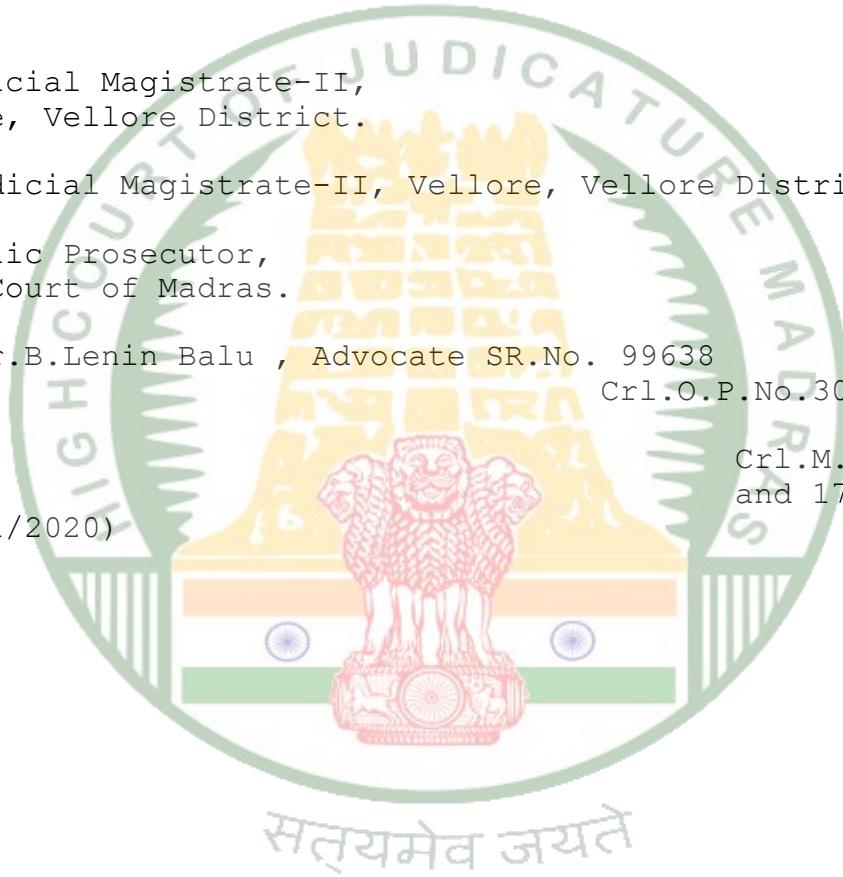
2. The Judicial Magistrate-II, Vellore, Vellore District

3.The Public Prosecutor,
High Court of Madras.

+1cc to Mr.B.Lenin Balu , Advocate SR.No. 99638

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A.SK(29/01/2020)



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