



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.5729 of 2019

and

Crl.M.P.(MD)No.3614 of 2019

R.Umayapandi

... Petitioner

Vs.

1.State Rep. by

The Superintendent of Police,
C.C.I.W. - C.I.D.,
Chennai.

2.The Inspector of Police,

C.C.I.W. - C.I.D.,
Ramanathapuram District.
(Crime No.1/2019)

3.The Deputy Registrar of Co-operative Societies,
Paramakudi Circle, Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Crime No.1 of 2019, on the file of the second respondent as against the petitioner herein.

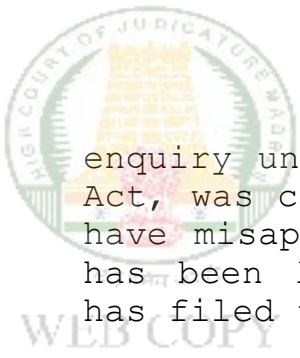
For Petitioner : Mr.Raja Karthikeyan

For Respondents : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Criminal side)

O R D E R

This petition has been filed to quash the proceedings in Crime No.1 of 2019, on the file of the second respondent, in respect of the petitioner herein.

2.The case of the prosecution is that the petitioner is All and working as Assistant in Ramanathapuram Central Co-operative Society. The petitioner and other accused persons sanctioned jewel loan in the name of fake persons, namely, dead persons and a person who had already gone to abroad and made huge loss to the Society and they have also committed misappropriation for waiving agricultural loan to the members of the Society and therefore, an



enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, was conducted. During enquiry, it was found that the accused have misappropriated huge amounts and therefore, the present case has been lodged against them, against which, the petitioner/All has filed the present Criminal Original Petition.

3.The learned counsel appearing for the petitioner submitted that already the enquiry was stayed by this Court in W.P.(MD) No.3719 of 2019 on the ground that the Sub-Registrar, who prepared the beneficiary list, was appointed as an Enquiry Officer. The learned counsel further submitted that the petitioner was not responsible for the irregularities committed by others and therefore, he prayed for quashing of FIR in respect of the petitioner herein.

4.The learned Government Advocate (Criminal side) submitted that merely because this Court granted an order of interim stay, which does not mean that the petitioner has not committed the offence. If the investigation reveals that the petitioner did not commit any offence, his name will be deleted from the FIR and the Law Enforcing Agency will take note of it before filing the final report.

5.Considering the facts and circumstances of the case and since the FIR discloses commission of cognizable offence, the same cannot be quashed in the light of the law laid down by the Hon'ble Apex Court in **State of Haryana Vs. Bhajan Lal** reported in **1992 (1) SCC 335**. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Superintendent of Police,
C.C.I.W. - C.I.D.,
Chennai.

2.The Inspector of Police,
C.C.I.W. - C.I.D.,
Ramanathapuram District.



3.The Deputy Registrar of Co-operative Societies,
Paramakudi Circle, Paramakudi,
Ramanathapuram District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KM/ (08.05.2019) 3P 5C