



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.06.2019

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THE HONOURABLE MR. JUSTICE V. BHARATHIDASAN

**CRL OP(MD) .No.8399 of 2019
and
Crl.M.P. (MD) .No.5244 of 2019**

Pandiselvi

...Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by Inspector of Police,
Manamadurai Police Station,
Sivagangai District.
(Crime No.406 of 2015)

2.Dr.S.Sonia Devi,
The Block Medical Officer,
Muthanenthal Primary Health Center,
Muthanenthal, Sivagangai District.

...Respondents

PRAYER: This Petition filed under Section 482 of Criminal Procedure Code to call for the records pertaining to the First Information Report in Crime No.406 of 2015, under Sections 120(b), 407, 467, 468 of I.P.C. dated 14.07.2015 on the file of the first respondent and quash the same.

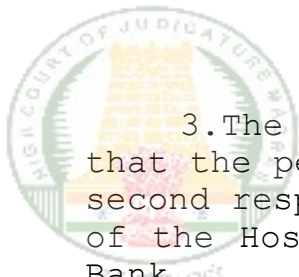
For Petitioner : Mr.T.Lajapathi Roy

For R-1 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

ORDER

This petition has been filed seeking for a direction to quash the First Information Report in Crime No.406 of 2015, for the offences under Sections 120(b), 407, 467 and 468 of I.P.C., dated 14.07.2015, on the file of the first respondent Police.

2.The petitioner is the first accused in the above said case. A complaint has been given by the second respondent alleging that the petitioner along with the other accused persons had misappropriated a sum of Rs.36,400/- by way of forging signature, of the second respondent in a cheque and withdrawn the amount from the Bank and the petitioner / accused No.1 is said to have involved in the offence along with a Superintendent in the Hospital.



3.The learned counsel appearing for the petitioner would submit that the petitioner is not involved in any offence as alleged by the second respondent and only on the instructions of the Superintendent of the Hospital, he has withdrawn the said alleged amount from the Bank.

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4.Today, when the matter was taken up for hearing, Mr.K.Suyambulinga Bharathi, learned Government Advocate (Crl. side) appearing for the first respondent, on instructions, would submit that almost the investigation is over and only after the completion of the investigation, the involvement of the petitioner will be known.

5.I have considered the rival submissions. On perusal of the entire materials available on record, it could be seen that a prima facie case has been made out against the petitioner herein. Apart from that, now the investigation is also in progress and only at the end of the investigation, the role played by the petitioner will be known, hence, at this stage, the First Information Report cannot be quashed. However, considering the fact that the investigation is pending from the year 2016, the first respondent is directed to complete the investigation and file a final report within a period of one month from the date of receipt of a copy of this order.

6.The Criminal Original Petition stands dismissed accordingly. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Manamadurai Police Station,
Sivagangai District.

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate IN SR-70122

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TSG