



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2019

CORAM

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P (MD) No.10794 of 2015

and

M.P (MD) No.1 of 2015

N.Selva Raju ...Petitioner / Sole Accused

Vs.

1.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar. ... Respondent / Complainant

2.R.Subbaiah ...Respondent / De-facto
Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records pertaining to the proceedings in Crime No.171 of 2015, on the file of the Inspector of Police, Rajapalayam North Police Station, Virudhunagar and quash the same.

For Petitioner	: Mr.Pala Ramasamy
For R-1	: Mr.K.Suyambulinga Bharathi (Criminal side)
For R-2	: Mr.D.R.Ragunath

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.171 of 2015, for the offences under Sections 406, 420, 468 and 471 of the Indian Penal Code., on the file of the Inspector of Police, Rajapalayam North Police Station, Virudhunagar.

2. The petitioner is the accused in Crime No.171 of 2015. The petitioner is a Assistant General Manager of Syndicate Bank Regional Office and now, he is retired. There seems to be some dispute between the partners of Sri Saravana Fabrics. There were allegations and counter allegations between the partners with regard to the property mortgaged in the Bank, where the petitioner was working, for loan. It is seen that the firm has failed to repay the amount and the loan was classified as NPA on 29.07.2014 and SARFAESI proceedings were initiated for recovery of the said loan amount. To lame the above said recovery proceedings, the present case has been registered.



3. It is seen that there is a civil dispute between the parties and the *de facto* complainant / second respondent has given a criminal colour in it and filed the present petition.

4. Today, when the matter is taken up for hearing, the learned Government Advocate (Criminal side) appearing for the first respondent, on instructions, submitted that after the investigation, the matter has been referred as "Mistake of fact" and a closure report has been filed before the learned Judicial Magistrate, Rajapalayam and RCS (Referred Charge Sheet) Notice No.40 of 2018 has also been served on the *de facto* complainant. A copy of the closure report and Referred Charge Sheet has also been produced before this Court.

5. In view of the above development, nothing survives in this Criminal Original Petition and the same stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

1. The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.PALARAMASAMY, Advocate (SR-104104[F] dated
09/12/2019)

Order made in
CRL.O.P (MD) No.10794 of 2015

dated

05.12.2019

SMA/18/12/19/2P/4C