



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.12.2019

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CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1 OP(MD)No.13506 of 2015 & Cr1 RC(MD)No.7 of 2016
and
MP(MD)No.1 & 3 of 2015

Cr1 OP(MD)No.13506 of 2015 :

Dr.George Rajan

... Petitioner / Accused No.3

Vs.

1.State, rep.by

The Inspector of Police,
CCIW-CID Police Station,
Theni, Theni District.
(Crime No.2 of 2014)

...1st respondent/complainant

2.V.Venkatachalapathy

... 2nd Respondent / Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to call for the records and quash the proceedings in C.C No.19 of 2015 on the file of the learned Judicial Magistrate No.III, Madurai, Madurai District with regard to the petitioner.

Cr1 RC(MD)No.7 of 2016 :

Dr.George Rajan

... Petitioner / Accused No.3

Vs.

1.State, rep.by

The Inspector of Police,
CCIW-CID Police Station,
Theni, Theni District.
(Crime No.2 of 2014)

...1st respondent/complainant



13.10.2015 framing the charges against the petitioner herein in C.C No.19 of 2015 on the file of the learned Judicial Magistrate No.III, Madurai, Madurai District.

In both cases :

For Petitioner : Mr.A.Thiruvadikumar

For Respondents : Mr.A.Robinson,
Government Advocate (crl.side) for R1

COMMON ORDER

The petitioner in both these cases are one and the same. He is figuring as A3 in C.C No.19 of 2015 on the file of the learned Judicial Magistrate No.III, Madurai, Madurai District. The defacto complainant is the second respondent in Crl OP(MD)No.13506 of 2015.

2.The case of the prosecution is that the petitioner was responsible for causing wrongful loss to the society concerned to the tune of Rs.77,965/-. According to the prosecution, A-737 Upparpatty Agricultural Cooperative Credit Society is a registered cooperative society and is functioning at Periyakulam. A4 Karuppaiah was a member of the society. He approached the society for drip irrigation loan. The allegation is that even without installing the drip irrigation system, subsidy was given to AGS Irrigation Private Limited as if they had installed the system in the land of the fourth accused Karuppaiah.

3.The learned counsel for the petitioner pointed out that the petitioner is not the Managing Director of the said company and that therefore he cannot be made liable for the letter issued in the name of the said company. He would specifically contend that he did not sign in the said letter. On a careful scrutiny of the same, it comes to light that the petitioner's wife was the Managing Director of the said company. This Court made it clear that while this Court would let the petitioner off the hook, his wife will have to face the music. Faced with the situation, the petitioner through his counsel came forward to deposit the amount of Rs.77,965/- to the credit of the concerned society. Since there are no legally acceptable materials against the petitioner and since the petitioner has come forward to make good the loss, I am of the view that the continuation of the impugned prosecution is not warranted. The petitioner seeks two weeks time to deposit the said amount. Accordingly, the petitioner is given two weeks time from the date of receipt of a copy of this order to deposit the amount of Rs.77,965/- to the credit of C.C No.19 of 2015 on the file of the Judicial Magistrate, No.III, Madurai. It is open to the concerned society to withdraw the said amount. Recording the undertaking given by the petitioner, the impugned prosecution stands quashed.



Both the criminal original petition and the criminal revision case stand allowed. Consequently, connected miscellaneous petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2020

Sub Assistant Registrar(CS)

To

1.The Judicial Magistrate No.III, Madurai, Madurai District.

2.The Inspector of Police, CCIW-CID Police Station,
Theni, Theni District.

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

+2 CC to M/s.A.THIRUVADI KUMAR, Advocate (SR-104354 & 104355[F]
dated 11/12/2019)

Cr1 OP(MD)No.13506 of 2015 &
Cr1 RC(MD)No.7 of 2016
10.12.2019

Skm

SDS (04.06.2020) 3P-6C