



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.09.2019
CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P(MD)No.2461 of 2015
and
M.P.(MD)Nos.1 and 2 of 2015

1.A.S.Petchiammal

2.S.Johnson Chandrasekar

3.S.Subatradevi ... Petitioners/Accused 2 to 4

Vs

1. State rep. by
The Inspector of Police,
District Crime Branch,
Tirunelveli City. ... Respondent/Complainant

2. S.Sundararajan Gnanasekar ... Respondent/Defacto
Complainant

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records in C.C.No.120 of 2013 on the file of the Judicial Magistrate No.I, Tirunelveli, quash the same.

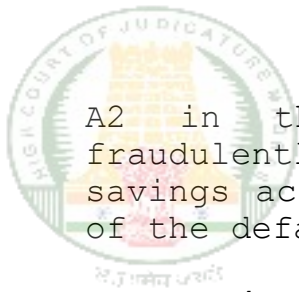
For Petitioners	: Mr.N.Mohideen Basha
For R1	: Mr.A.Robinson
	Government Advocate (Crl.side)
For R2	: Mr.V.Kannan

ORDER

The petitioners are facing trial as A2 to A4 in C.C.No.120 of 2013 on the file of the Judicial Magistrate No.1, Tirunelveli for the offences under Sections 409, 467, 468, 420 r/w Section 34 of IPC. To quash the same, this criminal original petition has been filed.

2. It is pointed out by the learned counsel appearing for the defacto complainant that A1 filed Crl.O.P.(MD)No.527 of 2014 for quashing the proceedings and that the same was dismissed on 10.09.2018.

3. The case of the defacto complainant is that the fixed deposits, standing in the joint names of the defacto complainant and



A2 in the Indian Overseas Bank, Manur, Tirunelveli, were fraudulently pre-closed and credited to the account of A2 in her savings account. It is true that A2 is none other than the mother of the defacto complainant. While A3 and A4 are his siblings.

4. When allegations of forgery and misappropriation have been made, I am of the view that the petitioners will have to necessarily establish their innocence before the court below in a regular trial. This is all the more so because the Branch Manager's quash petition itself suffered dismissal. Therefore, this criminal original petition stands dismissed. It is made clear that this Court has not gone into the merits of the matter. Their personal appearance stands dispensed with. Of-course, the petitioners will have to be represented by their counsel on all the hearing dates and appear in person on those dates, when their presence is absolutely necessary. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Inspector of Police,
District Crime Branch,
Tirunelveli City.
2. The Judicial Magistrate No.I, Tirunelveli.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+1 CC to Mr.N.MOHIDEEN BASHA, Advocate (SR-88914[F] dated 24/09/2019)

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rmi

MK (11.10.2019) 2P 5C