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CRL.O.P.(MD)NO. 14811 OF 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No.14811 of 2016 and
Crl.M.P.(MD)Nos.6985 & 6986 of 2016

P.T.Muthuvel

... Petitioner/Sole Accused

Vs.

1.The Inspector of Police,
District Crime Branch,
Theni District, Theni. ...1st Respondent/complainant

2. The Block Development Officer,
Panchayat Union Office,
Theni. ...2nd Respondent/Defacto Complainant

Prayer: Criminal Original petition filed under Section 482 of Cr.P.C, to call for the records relating to the proceedings in C.C.No.388 of 2015 on the file of the Judicial Magistrate, Theni and quash the same as illegal.

For Petitioner : Mr.V.Angusamy
For 1st Respondent : Mr.A.Robinson,
Government Advocate(Crl. Side).

* * *

O R D E R

The petitioner is figuring as an accused in C.C.No.388 of 2015 on the file of the Judicial Magistrate, Theni, for the offences under Sections 465, 468, 471, 403, 409 and 420 of I.P.C.

2. The petitioner herein was a Panchayat President during the year 2012. A sum of Rs.2,59,127/- was found to be short while auditing the Panchayat accounts. In this regard, proceedings were initiated against the petitioner at the instance of the second respondent herein. The petitioner submitted that he had not committed any act of misappropriation and that the shortfall occurred due to other reasons. He later remitted the amount in question and thus made good the shortfall. In view of the remittance made by the petitioner herein, the District Collector passed an order dated 25.02.2014 dropping further action against him. Based on the same, the Block Development Officer also informed the investigation officer on 21.09.2015 to drop further action in the matter. He sent a reminder on 05.11.2015. But ignoring the communication sent by the Block Development Officer, Panchayat Union Office, Theni, the first respondent went ahead and filed final



report on 07.11.2015. The same was also taken on file by the Court below. To quash the same, this criminal original petition has been filed.

3. The second respondent had filed counter affidavit in which he has reiterated his earlier stand that the proceedings need not be continued against the petitioner herein. In as much as the petitioner had made good the loss caused to the Panchayat and since the District Collector himself accepted the petitioner's explanation and decided to close the proceedings, I am of the view that the first respondent was not at all justified in filing the final report ignoring the communication of the defacto complainant.

4. In this view of the matter, continuance of the impugned prosecution will amount to an abuse of legal process. The impugned prosecution stands quashed. The criminal original petition stands allowed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Judicial Magistrate,
Theni.
2. The Inspector of Police,
District Crime Branch,
Theni District, Theni.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.V.ANGUSAMY, Advocate (SR-5745[F] dated 12/02/2020)

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