



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P. (MD)No. 6400 of 2016

H.Kajamyadheen

... Petitioner

Vs.

1. The State of Tamilnadu,
Rep. by the Inspector of Police,
Melur police station,
Melur, Madurai District.

2. Block Development Officer,
Melur Panchayat Union,
Flying Squad Officer,
Melur Legislative Constituency,
Melur, Madurai District.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the above false case in Crime No.266 of 2016 on the file of the first respondent and quash the same and consequently directing the respondents to return the cash and articles.

For Petitioner	: Mr.S.Namasivayam
For Respondents	: Mr.A.Robinson, Government Advocate(Crl. Side).

O R D E R

The petitioner is figuring as an accused in Crime No.266 of 2016 registered on the file of the Melur police station, for the offences under Sections 188, 171(B) r/w.171(E) of I.P.C.

2. The case of the prosecution is that on 22.03.2016, the Flying Squad in-charge of Melur Legislative Constituency while conducting a surprise raid, seized a sum of Rs.11,57,095/- and certain consumer items from the premises of M/s.Fullerton India Credit Company Ltd.

3. According to the police, the petitioner herein was working as Senior Unit Manager of Melur Branch and that he was not able to account for the same and that led to registration of Crime No.266 of 2016. To quash the same, this criminal original petition has been filed.

4. Heard the learned counsel on either side.



5. It is not in dispute that during the pendency of these proceedings, Cr.M.P.No.1987 of 2016 was filed before the Judicial Magistrate, Melur under Section 451 of Cr.P.C and the seized articles were returned. In paragraph No.4 of the order dated 07.06.2016 passed by the learned Judicial Magistrate, Melur, it has been recorded that the documents were filed to prove that the property belonging to M/s.Fullerton India Credit Company Ltd. and that the prosecution did not dispute the veracity of the said documents. The Court below concluded that the documents are genuine.

6. In the typed set of papers also, the exhaustive statements of accounts have been filed which indicates that the amount in question was withdrawn by the petitioner herein. It is seen therefrom that M/s.Fullerton India Credit Company Ltd. was a customer of the Standard Chartered Bank and through their delivery services, amount of Rs.10,00,000/- was withdrawn on 22.03.2016. The petitioner has also enclosed their transaction details. It can be seen therefrom that the outstanding amount lying with them on 23.03.2016 was Rs.11,57,095/-. It was this amount that was seized from the petitioner. Thus, the seized amount tallies exactly with their accounts statement. The other records enclosed by the petitioner categorically established that the amount in question very much belonged to M/s.Fullerton India Credit Company Ltd.

7. The petitioner is an official of the said company. As the very name will indicate, M/s.Fullerton India Credit Company Ltd. is dealing in monetary transactions. Therefore, possession of certain money with them cannot be said to be something that is not in the order. Since the petitioner has duly accounted for the transaction in question, I am of the view that the case against the petitioner is absolutely unwarranted.

8. In this view of the matter, the impugned First Information Report stands quashed. The criminal original petition stands allowed.

Sd/-

Assistant Registrar (CS-II)

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/ /2020

Sub Assistant Registrar(CS)

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**To:**

1. The Inspector of Police,
Melur police station,
Melur, Madurai District.
2. Block Development Officer,
Melur Panchayat Union,
Flying Squad Officer,
Melur Legislative Constituency,
Melur, Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.NARAYANAN, Advocate (SR-3412[F] dated 28/01/2020)

Crl.O.P. (MD)No.6400 of 2016
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AP(05/06/2020) 3P 5C