



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2020

CORAM

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

Crl.O.P.(MD)No. 7677 of 2016 and

CRL.M.P.(MD)No.3938 of 2016

WEB COPY

Abdul Hameed

... Petitioner/Accused No.7

Vs.

1. The State rep. by,
The Inspector of Police,
CCIW, Trichy,
Trichy District.
(Crime No.4 of 2016)

... 1st Respondent/Complainant

2. T.Prabhakaran,
General Manager,
Trichy District Central Co-op.
Bank Ltd., Trichy - 2.

... 2nd Respondent/
Defacto complainant

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to call for the records in Crime No.4 of 2016, dated 17.03.2016 on the file of the first respondent police and quash the same.

For Petitioner	: Mr.S.A.Ajmalkhan
For R-1	: Mr.A.Robinson,
	Government Advocate(Crl. Side).

O R D E R

The petitioner has filed this criminal original petition to quash Crime No.4 of 2016 registered on the file of the first respondent for the offences under Sections 120(B), 408, 409, 418, 420, 468, 471 and 477(A) of I.P.C.

2. The case was registered based on the complaint given by the second respondent.

3. The learned Government Advocate(Crl. Side) states that the investigation in this case was transferred to CBCID, Trichy. After due investigation, final report has been filed and it is seen therefrom that the petitioner availed a sum of Rs.95,000/- from the complainant bank into three loan accounts. It is specifically alleged that the jewels pledged for raising loan are spurious one. The learned Government Advocate(Crl. Side) states that it has been verified and that the signatures found in the loan applications are that of the petitioner herein.



4. The learned counsel appearing for the petitioner reiterated the contentions set out in the memorandum of grounds.

5. I am of the view that the contentions of the petitioner are rather factual in nature. Therefore, the petitioner has to necessarily establish his defence only in a regular trial before the Court below. This Court will not be justified in invoking the inherent powers, when the disputed questions are involved.

6. Therefore, leaving open all the contentions and the defences of the petitioner, the criminal original petition stands dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AS)

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/ /2020

Sub Assistant Registrar(CS)

Pmu

To:

1. The Inspector of Police,
CCIW, Trichy,
Trichy District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Crl.O.P.(MD)No. 7677 of 2016
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KB(08/06/2020) 2P 3C