



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.No.25558 of 2017

and

CRL.M.P.Nos.14703 & 14704 of 2017

Natesa Thamilarvan

... Petitioner/Accused-1

Versus

The State represented by
The Inspector of Police,
Commercial Crime Investigation Wing
Thiruvarur District.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pertaining to FIR in Crime No.4 of 2017 on the file of the respondent and quash the same.

For Petitioner : Mr.R.Sankarasubbu
for Ms.D.Bharathy

For Respondent : Mr.S.Vinoth Kumar
Public Prosecutor

ORDER

This petition has been filed to quash the First Information Report filed against the petitioner and the other accused in Crime No.4 of 2017 for the offences under sections 408, 409, 420, 471, 477A and 34 of IPC.

2. The First Information Report has been registered by the respondent on the basis of the complaint given by the District Registrar, [Housing], Tanjore. The complaint proceeds as if pursuant to enquiry under section 81 of the Tamil Nadu Co-operative Society Act, 1983, it came to light that there were serious misappropriation of funds of the society which resulted in huge loss. On the basis of which First Information Report has been registered in Crime No.4 of 2017 for the offences under sections 408, 409, 420, 471, 477A and 34 of IPC on the



allegation of misappropriation to the tune of Rs.20,12,068.25.

3. The main contention of Mr.Sankarasubbu, learning counsel appearing for the petitioner is that the proceedings under section 81 of the Tamil Nadu Co-operative Societies Act has been challenged in a writ petition and this Court has passed an Order directing the respondent to furnish some documents relied in the above proceedings, which has not been furnished to the petitioner so far. Therefore, it is his contention that till the enquiry under section 81 of the Tamil Nadu Co-operative Societies Act is completed, there cannot be any First Information Report. Hence, prayed for quashing the First Information Report.

4. Heard the learned Public Prosecutor for the respondent/

5. This Court is unable to understand what is relationship between the writ petition and criminal prosecution. The writ petition has been filed under a different situation where the surcharge proceedings has been challenged by the petitioner herein. Only the scope of the proceedings under section 81 of the Tamilnadu Co-operative Sociey Act was questioned in the writ petition and Order passed by this Court indicate what was agitated and requested before the writ Court is only certain documents, which were Ordered to be furnished. Therefore, this Court is of the view that those proceedings will not deter the investigation agency to probe the misappropriation of Funds. Considering the above, as the allegations appears to be serious in nature with regard to misappropriation of funds, which has to be unearthed only during investigaton, this Court is not inclined to quash the First Information Report.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vrc



To

1. The Inspector of Police,
Commercial Crime Investigation Wing
Thiruvavarur District.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.25558 of 2017
and
CRL.M.P.Nos.14703 & 14704 of 2017

SVI (CO)
SU(30/11/2021)