



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 12.11.2021

CORAM:

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

CRL.O.P.No.19478 of 2017
and
CRL.M.P. Nos.11768 & 11769 of 2017

R.Ashok Kumar ...Petitioner/Accused No.2

- Vs -

1. The State of Tamil Nadu
rep. by the Inspector of Police,
C.C.I.W.CID,
Villupuram District. ...Respondent/Complainant

2. M.Raja,
Deputy Registrar,
Milk Consumer Co-operative Society,
Villupuram,
Villupuram District. ...Respondent

(R2 is impleaded as per order in Crl.M.P.No.1687 of 2020 in Crl.O.P.No.19478 of 2017 dated 11.02.2020)

PRAYER: Criminal Original Petition filed under Section 482 of Code of Criminal Procedure, to call for the records pertaining to the proceedings pending in C.C.No.226 of 2016 on the file of the learned Judicial Magistrate No.I at Villupuram and to quash the same.

For Petitioner : Mr.D.Dayalan

For Respondents : R1 - Mr.S.Vinoth Kumar
Government Advocate
(Criminal Side)

R2 - No appearance

ORDER

The above petition has been filed to quash the proceedings pending in C.C.No.226 of 2016 on the file of



the learned Judicial Magistrate No.I at Villupuram for the offences under Sections 120(B), 408, 409, 465, 471, 477(A) of I.P.C.

2. The allegation against the petitioner is that while he was working as a cashier in Villupuram Milk Consumer Co-Operative Society, along with A1, misappropriated a sum of Rs.3,10,681/- (Three Lakh Ten Thousand and Six Hundred and Eighty One Only), thereby, they have been prosecuted and final report has been filed. The only allegation of the petitioner is that the entire misappropriated amount has been repaid and the main allegation is only against A1 and therefore final report as against the petitioner be quashed.

3. At the outset, this Court is unable to agree with the submissions made by the petition. Mere repayment of the alleged misappropriated amount will not absolve the persons from the crime. At any event, it is for the Trial Court while considering the matter at the time of judgment, if at all Trial Court finds that guilt has been established against the petitioner, repayment may be one of the mitigating circumstances for the lineancy. Therefore, this Court did not find any merits in this Criminal Original Petition.

4. Accordingly, this petition is dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vrc/kbs

To

1. The Inspector of Police,
C.C.I.W.CID,
Villupuram District.
2. The Public Prosecutor,
High Court, Madras - 104.
3. The Judicial Magistrate,
Villupuram.

CRL.O.P.No.19478 of 2017 and
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SVI[co]
NSK 29/11/2021