



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. (MD)No. 13153 of 2021

and

Crl.M.P. (MD)No.6760 of 2021

V.R.Pattabiraman

... Petitioner/Accused No.1

Vs.

1.The Inspector of Police,
CCIW,
Trichy,
Trichy District.
(Crime No.01 of 2021)

... 1st Respondent/Complainant

2.K.Chithra,
Deputy Registrar of Co-operative Societies,
Lalgudi Circle,
Lalgudi,
Trichy District.

... 2nd Respondent/
Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to Crime No.01 of 2021, on the file of the first respondent insofar as the petitioner is concerned and quash the same.

For Petitioner : Mr.K.Govindarajan
for A.Muralikumar

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor for R.1

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.01 of 2021 registered on the file of the first respondent for the offences under Sections 120B, 408, 465, 468, 471 and 477A IPC.

2. The petitioner was the Secretary of the Co-operative Society in question. The specific allegation of the prosecution is that the petitioner along with other accused had committed misappropriation of Rs.22,00,368/- (Rupees Twenty Two Lakhs and Three Hundred and Sixty Eight only).

<https://hccse.courtservice.in>



3. The learned counsel for the petitioner would state that the entire misdemeanor appears to have been committed by the other accused who had also repaid the entire amount in the year 2020 itself. Though the said contention appears to be quiet persuasive, repayment of the misappropriated amount by itself may not wash away the sin once committed. Whether the petitioner is really innocent or not, can only be known at the end of the investigation. The FIR itself was registered only on March 2021. The Hon'ble Supreme Court has held more than once that investigation should not be scuttled at the initial stage. Leaving open the petitioner's contentions and defences, this Criminal Original Petition is dismissed. The first respondent is directed to file the final report within three months from the date of receipt of copy of this order. If the final report is adverse to the petitioner, it is open to the petitioner to move this Court again challenging the same. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
CCIW,
Trichy,
Trichy District.

2.The Deputy Registrar of Co-operative Societies,
Lalgudi Circle,
Lalgudi,
Trichy District.



3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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and
Crl.M.P. (MD)No.6760 of 2021
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TSK(CO)
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