



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl O.P.(MD)No. 16708 of 2021

and

Crl.M.P.(MD)Nos. 9015 & 9016 of 2021

- 1.Krishnan, S/o. Perumal
- 2.Krishnan, S/o. Karuppanan
- 3.N.Chandran
- 4.Gurusamy
- 5.N.Thasaratharaman
- 6.R.Rajendran
- 7.C.Mayakrishnan
- 8.R.Balakrishnan
- 9.K.Valayapathi
- 10.P.Karthikeyan
- 11.V.Velu
- 12.S.Usha

... Petitioners 1 to 12/
Accused Nos.2 to 5, 7 to 13 &15

Vs.

- 1.The State represented by
The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
(Crime NO.348 of 2020) ... 1st Respondent/Complainant

- 2.Satheesh Kumar ... 2nd respondent/Defacto Complainant

Prayer : Criminal Original Petition is filed under Section 482 Cr.P.C., to call for the records pertaining to the proceedings in C.C.No.67 of 2021 on the file of the learned Judicial Magistrate No.1, Ramanathapuram and quash the same.

For Petitioners : Mr.D.Sasikumar

For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1

Mr.L.Shaji Chellan for R2



ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.67 of 2021 on the file of the learned Judicial Magistrate No.1, Ramanathapuram.

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2. The petitioners are facing trial for the offences under Section 468, 471, 406, 420, 120 (B), 34 IPC. The learned counsel for the petitioners reiterated all the contentions set out in the memorandum of grounds and called upon this Court to the aforesaid submissions. As rightly pointed out by the learned Additional Public Prosecutor as well as the learned counsel for the defacto complainant, the allegation is that in the general body meeting convened on 17.07.2011 for the Moolakkothalam Housing Board House Owners Welfare Association, it was made to appear that even dead members had taken part and signed the minutes. In the final report, it has been specifically mentioned that one Ruthrasekar who passed away on 27.04.2008, Rajendran who passed away on 10.02.2003, Madasamy who passed away on 09.09.2003 and Nagarajan who passed away on 31.01.2004 were shown as having participated in the general body meeting. *Prima facie*, there are materials to show that offences of impersonation and forgery had been committed. It is further alleged in the final report that there was misappropriation of the funds of the society.

3. While exercising jurisdiction under Section 482 Cr.P.C, it is not possible for this Court to give any categorical finding that the petitioners herein did not commit the offences in question. This issue is purely factual in nature. It is for the petitioners to prove their innocence before the Court below in the regular trial. Leaving open the contentions and defences, this Criminal Original Petition is dismissed. It is seen that most of the petitioners are senior citizens. Therefore, their personal appearance before the Court below is dispensed with. The trial Court is directed to conclude the case on merits and in accordance with law within a period of eight months from the date of receipt of copy of this order. Consequently, connected miscellaneous petitions are closed.

Sd/-

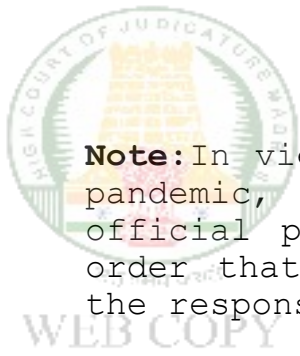
Assistant Registrar(CS-I)

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/ /2021

Sub Assistant Registrar(CS)

mga/csm



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. Judicial Magistrate No.1,
Ramanathapuram

2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

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

+1 CC to M/s.L.SHAJI CHELLAN, Advocate (SR-36962[F] dated
02/12/2021)

+1 CC to M/s.D.SASIKUMAR, Advocate (SR-37254[F] dated 03/12/2021)

CrI O.P.(MD)No.16708 of 2021
and
CrI.M.P.(MD)Nos. 9015 & 9016 of 2021
01.12.2021

ss (CO)
TR(10.12.2021) 3P 6C