



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2021

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.19345 of 2021
and
Crl.M.P.(MD)No.10792 of 2021

T.Sharmil ... Petitioner/Accused No.1
Vs.

1.The Superintendent of Police,
Madurai District,
Madurai.

2.The Inspector of Police,
District Crime Branch,
Madurai District.
(Crime No.15 of 2021)

...Respondent/Complainant

3.K.Alagumuni ... Respondents/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the proceedings in Crime No.15 of 2021 on the file of the 2nd respondent police station and quash the same as it has no prima facie case as against the petitioner.

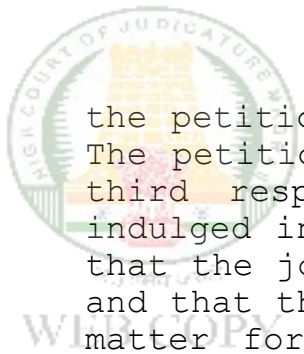
For Petitioner : Mr.T.Ramasamy
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1 & R2.

O R D E R

This criminal original petition has been filed to quash the impugned FIR in Crime No.15 of 2021 registered on the file of the second respondent for the offences under Sections 120B, 409, 468, 471, 406 and 420 of IPC.

2.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds and called upon this Court to quash the impugned FIR.

3.I am not persuaded by the said submission. As rightly pointed out by the learned Additional Public Prosecutor appearing for the first respondents 1 and 2, considering the contentions of



the petitioner's counsel would involve undertaking a factual probe. The petitioner was the Principal of the nursing college run by the third respondent. The allegation is that the petitioner has indulged in misappropriation. The petitioner's counsel would state that the job of maintaining accounts was that of the second accused and that the petitioner did not have role in the matter. This is a matter for investigation. At this stage, I cannot go into the petitioner's defence.

4. Leaving open the petitioner's contentions, this criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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 Superintendent of Police,
Madurai District,
Madurai.

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

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

+1 CC to M/s.T.RAMASAMY, Advocate (SR-37688[F] dated 07/12/2021)

Crl.O.P(MD)No.19345 of 2021
07.12.2021

MJ(CO)

KB(22.12.2021) 2P 5C