



Crl.O.P.No.12604 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.12604 of 2021 and
Crl.M.P.No.6996 of 2021

Saravanan

... Petitioner

Vs.

1.State Rep by:

The Inspector of Police,
V3, J.J.Nagar Police station,
Chennai.
(Crime No.610 of 2021)

2.M/s.Indel Money Private Limited,
Rep. by its Vigilance Officer, K.Rajaram,
PC-10, 1st Floor, Mugappair East,
Opp.to East Depot,
Chennai-37.

Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in connection with Crime No.610 of 2021 on the file of the first respondent and quash the same.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.A.Damodaran, APP for R1



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ORDER

This Criminal Original Petition has been preferred to call for the records in connection with Crime No.610 of 2021 on the file of the first respondent and quash the same.

2. Heard Mr.B.Kumarasamy, learned counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for the first respondent.

3. The case of the prosecution is that the petitioner is arrayed as a fourth accused in the case. The defacto complainant is a Vigilance Officer of the Company in which the petitioner and others were working. As per the complaint of the second respondent, the Mugappair Branch of the Indel Money Private Limited is under the supervision of the first accused. The accused 2 to 4 were working as supporting staff in the said Company. The fifth accused is the Area Manager of the complainant's Company. The key of the safety locker was in the joint custody of the first and second accused. The third and fourth accused assisted the first accused for all operations of the Branch. They are responsible for sanctioning loans, adhering to the stipulated process and norms



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by following the circulations / instructions.

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3.1. On 04.08.2020, a regular audit was done in the branch and it was found out that some of the gold packets kept in the safety locker were tampered and gold ornaments were missing. In an enquiry, it was admitted by the staff that there was a theft of gold ornaments. On intimation to the Head Office, it was found that there was a loss of Rs.21,08,627/- of cash and loss of 6 gold packets of total worth Rs.15,19,772/- from the safety locker. On the basis of the above complaint and several other allegations received from the customers as stated in the complaint, a case has been registered in Crime No.610 of 2021 against the petitioner and others.

4. The learned counsel for the petitioner submitted that the very same allegations have already been made by the very same complainant to the Inspector of Police, J.J.Nagar Police Station, Mugappair and on which, no FIR has been registered; a petition enquiry was conducted in CSR No.281 of 2020 and thereafter, no further action has been taken; it is also submitted by the learned counsel for the petitioner that it is the second complaint for the same allegations and the alleged loss of money has already been compensated and



for which, the second respondent himself has given an acknowledgement; by suppressing all these facts, once again the complaint has been given for the very same allegation.

5. On the alleged earlier complaint, no FIR has been registered and a petition enquiry was conducted and in which, some amount which was found to be loss for the Company was recovered. However, the settlement of the theft money will not absolve a person from his criminal liability. Since the petition enquiry has been conducted just for the purpose of recovery of loss, the further action has not been taken.

6. It appears that the FIR has been registered on the complaint dated 18.08.2020. It is submitted by the learned counsel for the petitioner that so far as this petitioner is concerned, he is not involved in the operations as alleged in the complaint. But the fact remains that the petitioner is not a stranger and he is also a Credit Manager. It is claimed that he is a Credit Manager for only housing loan and not for gold loan. The allegation is that all the staff of the Branch have got connivance for the alleged occurrence. This is not the complaint with bald averments, but with specific details. Only if the detailed



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investigation is allowed to be conducted, the involvement of each of the persons shown as accused can be brought to light. No roving enquiry can be done at this stage. The petitioner cannot be given with any clean chit without subjecting himself for trial. At the risk of repetition, the re-payment of compensation or any other amount misappropriated by the accused will not absolve himself from the criminal liability. Hence, I feel that the investigation should be allowed to go. If the FIR of this nature is quashed, will not serve the ends of justice. Since there are sufficient materials available and they make out a *prima facie* case against the petitioner along with the other accused, I do not find any reason to quash the FIR in Crime No.610 of 2021.

7. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

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R.N.MANJULA, J.

gsk

To

- 1.The Inspector of Police,
V3, J.J.Nagar Police station,
Chennai.
- 2.The Public Prosecutor,
High Court of Madras.

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