



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.22473 OF 2021
AND CRL.M.P.NOS.12214 & 12215 OF 2021

Mohanasundaram

... Petitioner/Accused

Versus

1. The Inspector of Police,
CCB, EDF-II, TEAM - 4,
Chennai.
(Crime No.313 of 2017)

2. Subramanian

... Respondents/Complainant/
Defacto Complainant

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for record and quash the proceedings pending trial in C.C.No.2659 of 2020 on the file of the Metropolitan Magistrate for CCB & CBCID Cases, Egmore, Chennai as an abuse of process of law.

For Petitioner : Mr.C.V.Kumar

For R1 : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This Criminal Original Petition is filed to call for record and quash the proceedings pending trial in C.C.No.2659 of 2020 on the file of the Metropolitan Magistrate for CCB & CBCID Cases, Egmore, Chennai as an abuse of process of law.

2.The grievance of the petitioner is that the petitioner is A1, who is facing trial in C.C.No.2659 of 2020 pending on the file of the Metropolitan Magistrate for CCB and CBCID Cases, Egmore, Chennai for offence under Sections 409, 420 r/w 34 IPC had filed this quash petition.



3.The contention of the petitioner is that the petitioner worked as Operational Manager in Zero Mass Company and he had nothing to do with the duty of the Zero Mass Company's, which has tied up with the State Bank Of India. The State Bank of India had appointed the above said Zero Mass Company for distribution of money to the beneficiaries such as old age pensioners, widows, destitute women, people living in marginal society etc. This petitioner was in the office, during the months, when the beneficiaries amount said to be not handed over and it was a demonisation period. The entire banking and financial operation was in hosiery, mere of the beneficiaries have not produced the Aadhar card. Hence the amount could not be disbursed. Further there is no evidence to show that the petitioner had collected any money from the bank and there is no entrustment. He has not nothing to do with the allegations and not having direct contact with any of the contract employees. It is the duty of the bank to make the amount to the beneficiaries. Hence the motivated complaint has been lodged.

4.The respondent police had not conducted proper investigation and the petitioner had been falsely implicated in this case. The petitioner was not aware of the case and he was not called for enquiry. Only after receiving summons from the trial Court, he came to know about the case. On assailing these points he had filed this quash petition.

5.The learned Additional Public Prosecutor submits that A2, A5 had swindled the amount of Rs.25,000/- from the beneficiaries such as old age pensioners, widows, destitute women, people living in marginal society etc. He further submitted that the defacto complainant in this case is the Thasildar, Tondiarpet Taluk, who had lodged a complaint stating that the Tamil Nadu Government has announced a scheme of disbursing an amount of Rs.1000/- every month as Social security pension vide G.O.Ms.No.44, Social Welfare and Nutritious Meal Programme Department, dated 07.06.2011, has given pension to the beneficiaries such as to the aged persons, destitute women, widows, physically and mentally challenged persons, spinsters pensions and several other beneficiary scheme.

6.He further submitted that the State Bank of India had disbursed the same and the amount is being credited to the beneficiaries account every month and the beneficiaries can withdraw the amount by affixing their thumb impression through 23 bank agents, who have been appointed by Zero Mass Company, which has entered into contract with the State Bank of India and thereafter the amount to be transferred. In a deceitful manner, taking advantage of the pensioners', who are socially backward, aged persons, A2 and A5 had impersonated and misused the



situation, misappropriated and swindled the pension amount. The amount may be small, but the act of denial of the beneficiary pension is a serious one, unless such practise are curbed the beneficiary scheme of the Government would not reach to the needy. Hence on the above strength he opposed the same. He further submitted that in this case investigation completed, charge sheet filed by listing 25 witnesses and several documents. The witnesses spoke about the real ploy played by the petitioner.

7. Considering the submissions and on perusal of the materials, this Court finds that the points raised by the petitioner is to be decided during the trial. In view of the same this Court is not inclined to entertain the above said petition.

8. Accordingly, this Criminal Original Petition stands dismissed. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Metropolitan Magistrate for CCB & CBCID Cases,
Egmore, Chennai.
2. Do-thro The Chief Metropolitan Magistrate,
Egmore, Chennai.
3. The Inspector of Police,
CCB, EDF-II, TEAM - 4,
Chennai.
4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.22473 of 2021
and Crl.M.P.Nos.12214 & 12215 of 2021

PCH(CO)
PM/17/02/2022