



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.23373 of 2021 and
Crl.M.P.Nos.12808 & 12809 of 2021

S. Gunaseelan

... Petitioner/Accused

Versus

1. The State rep.by
The Sub-Inspector of Police,
Central Crime Branch, Team - II,
Veppery, Chennai - 600 007.

... Respondent/ Complainant

2. S.M.Murugan,
S/o.Muthu,
District Manager, TASMAL Ltd.,
Thirumazhisai Phase 1,
Chembarambakkam,
Tiruvallur District - 600 123.

... Respondent/De-facto
Complainant

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973 to call for records and quash the C.C. No.86 of 2021 on the file of the Judicial Magistrate - I at Poonamallee.

For Petitioner : Mr.V.Ramanareddy

For Respondents : Mr. E.Raj Thilak,
Additional Public Prosecutor for R1

ORDER

The petitioner/A1, who is facing trial in C.C.No.86 of 2021 for the offences under Section 409 r/w Section 34 of IPC on the file of the learned Judicial Magistrate -I, Poonamallee, has filed this quash petition.

2.Learned counsel for the petitioner submits that there are totally four accused in this case. The petitioner/A1 is a Supervisor and the other accused A2 to A4 are the Salesmen, who are incharge of the sales. The petitioner has reported to the second respondent about the misappropriation committed by the Salesmen in collusion with the bar people and the petitioner has



got nothing to do with the sales of the TASMAC Shop and he was falsely implicated in this case.

3.Mr.E.Raj Thilak, learned Additional Public Prosecutor appearing for the first respondent submitted that the petitioner is the Supervisor during the relevant period from 2009 to 2012 in the TASMAC Shop No.8823 and A2, A3 and A4 were employed as Salesmen under the petitioner during the period 2010, 2010-11 and 2010-12 respectively. The petitioner, being the Supervisor, has to verify the sales records and proceedings and to report to the District Officer and others and in this regard, liquor bottles to the tune of Rs.36,16,198/- were misappropriated and the same have to be proved during the time of Trial. Learned Additional Public Prosecutor further submits that the next hearing date before the Trial Court is 17.02.2022.

4.Finding that this is the case of misappropriation and the respondent police, after registration of the F.I.R., had examined witnesses L.W.1 to L.W.7, recorded the statements along with the ledgers, documents and filed a final report, the points raised by the petitioner are factually correct or not, to be decided during the Trial. In view of the same, this Court is inclined to dismiss this petition. Accordingly, this petition stands dismissed. Consequently, CrI.M.P. Nos.12808 and 12809 of 2021 stand closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vga/ab
To

1. The Judicial Magistrate -I, Poonamallee

2. The Sub-Inspector of Police,
Central Crime Branch, Team - II,
Veppery, Chennai - 600 007.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Ramanareddy , Advocate, S.R.No.3842

CRL.O.P.No.23373 of 2021 and
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PMK(CO)
CT 08/02/2022