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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 19.01.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.Nos.6826 & 8754 of 2017

and

Crl.M.P.Nos.4991, 6250, 7176 & 7177 of 2017

R.Suchitra ... Petitioner
W/o. Late A.P.Rameshan in Crl.O.P.No.6826/ 2017

Romit ... Petitioner
Ramesh in Crl.O.P.No.8754/ 2017
S/o. Late A.P.Rameshan

Vs.

1. The State of Tamil Nadu
Represented by the Inspector of Police,
Nambiyur Police Station,
Nambiyur - 638 458.
2. N.P.Subramaniam
3. N.T.Saraswathi
4. P.Marappa Gounder ... Respondents/ De facto Complainants
in both Crl.O.Ps

Common Prayer: Criminal Original Petition filed under Section 482 Cr.P.C to call for the summons dated 19.04.2017 in C.C.No.15 of 2013 pending on the file of the Judicial Magistrate -II, Gobichettipalayam.

For Petitioners : Ms.Nila
for Mr.Vignesh Venkat
in both Crl.O.Ps

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl.side) for R1
in both Crl.O.Ps

: Mr.R.Marudhachalamurthy for R2 to R4
in both Crl.O.Ps

COMMON ORDER

This petition has been filed to quash the private complaint filed against the petitioners in C.C.No.15 of 2013 pending on



the file of the Judicial Magistrate -II, Gobichettipalayam for the offences under Sections 420, 405 r/w 406, 409, 415 r/w 417, 464 & 465 of I.P.C.

2. The crux of the allegation is that when the de facto complainant approached the bank for agricultural loan, the bank officials in collusion with the present petitioners, obtained certain documents as if the agricultural loan will be sanctioned to him, but the loan was sanctioned to the petitioners resulting in the launching of prosecution against the petitioners.

3. It is the contention of the learned counsel appearing for the petitioners that there are memoranda executed by the respondents/de facto complainants with the bank besides the mortgage in favour of the bank, the same show that they stood as sureties and on the basis of the same, the bank has sanctioned the loan and therefore, no offences have been made out and sought for quashing the entire proceedings.

4. The learned counsel appearing for the respondents contended that the learned Magistrate took cognizance on appreciation of evidence and that apart, the trial has already been commenced and PW1 has already been examined on the nature of the fraud committed by the other side and opposed for the quashing of the prosecution case.

5. This Court, without going into the merits and demerits of the case, as the allegation itself indicates that there is a fraud played by the officials of the bank with the connivance of the petitioner in sanctioning the loan without the knowledge of the defacto complainant, as the PW1 has already been examined, this Court while sitting under Section 481 Cr.P.C cannot make a roving enquiry as to the veracity or reliability of the evidence and it is for the trial Court to find out the fact in issue. In such view of the matter, this Court is not inclined to quash the proceedings.

6. Accordingly, this Criminal Original Petition is dismissed. It is open to the petitioners to raise all their defence before the trial Court and considering the nature of the allegation, personal appearance of the petitioners before the trial Court is dispensed with except for receiving copies and answering the charges u/s.313 Cr.P.C questioning and any other hearing that may be fixed by the trial Court. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar



gpa/gba

To

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1. The Judicial Magistrate -II,
Gobichettipalayam.
2. The Inspector of Police,
Nambiyur Police Station,
Nambiyur - 638 458.
3. The Public Prosecutor
Madras High Court,
Chennai - 104.

+2ccs to Mr.Vignesh Venkat, Advocate SR.No.3186, 3187

+2ccs to Mr.R.Marudhachalamurthy, Advocate SR.No.2976, 2978

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and
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PA (CO)
GMY (04/02/2022)