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CrI.O.P.No.25852 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P.No.25852 of 2022

and

CrI.M.P.No.15969 of 2022

R.Pramoth

... Petitioner

Vs.

1.The State represented by
The Inspector of Police,
District Crime Branch,
Dharmapuri,
Dharmapuri District.
(Crime No.4 of 2022)

2.P.Thennarasu

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the records and to quash the First Information Report in respect of
petitioner namely R.Pramoth in Crime No.4 of 2022 dated 16.06.2022, on the
file of first respondent police.



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For Petitioner : Mr.J.Prakasam

For Respondents : Mr.S.Santhosh for R1,
Government Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.4 of 2022 on the file of the first respondent for the offences punishable under Sections 406, 408, 417, 477 A & 420 of IPC.

2.The learned counsel for the petitioner submitted that the petitioner is working at the defacto complainant's company viz., Sri Venkateswara Wheat Mills Private Limited, Dharmapuri, Tamil Nadu. The petitioner is a simple worker and his only duty is to register the sales particulars in the sales register book and after registering them, he has to intimate the same to the owner of the mill through whatsapp. The first accused one Ezhil Prakash, who is the relative of the defacto complainant misused the account of the petitioner and misappropriated the company funds to the tune of Rs.3,55,37,856/-. The petitioner is no way connected with the alleged offence and the said Ezhil prakash is responsible for the misappropriation of company funds. Hence, the present petition has been filed.

<https://www.mhc.tn.gov.in/judis> 3.The learned Government Advocate (crl.side) appearing for the first



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respondent submitted that a case has been registered against the petitioner, on the complaint given by one Thennarasu, who is the director cum owner of the company viz., Sri Venkateswara Wheat Mills Private Limited, Dharmapuri, Tamil Nadu in connection with the Crime No.4 of 2022 for the offences under Sections 406, 408, 417, 477 A & 420 of IPC. In the complaint, it is stated that one Ezhil Prakash, who is the relative of the defacto complaint, colluded with the other accused and misappropriated the company funds to the tune of Rs.3,55,37,856/-. The Petitioner is working in the Sri Venkateswara Wheat Mills Private Limited and his duty was to register the sales particulars in the sales register book and after registering them, he has to intimate the same to the owner of the mill through whatsapp. The accused Ezhil Prakash misused the account of the petitioner and deposited huge amount in the petitioner's account and also with drawn it for many purposes. Under these circumstances, to find out the truth, it has to be investigated. The investigation is at the beginning stage.

4. I have considered the matter in the light of the submission made by the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the first respondent.

5. On perusal of records reveals that the respondent police registered



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a case against one Ezhil Prakash, Vignesh, Promoth Kumar/ petitioner, Balaji, Karthick, Kalaiselvan, Kumaresan, Ramesh in connection with a Crime No.4 of 2022 for the offences punishable under Sections 406, 408, 417, 477A, 420 of IPC on 16.06.2022. Further on perusal of FIR, it is seen that the person working in the mill viz., Ezhil Prakash/ A1 colluded with the other accused and misappropriated the company funds to the tune of Rs.3,55,37,856/- by way of creating false bills and not delivering the goods to the dealers. *Prima facie* allegation makes out cognizable offences and the investigation is at the beginning stage. Therefore, it does not meet the parameters laid down by the Supreme Court in *State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604)*, *M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315) & PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 Crl.L.J.817)*, the matter has to be investigated to find out the truth. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore I find no merit and investigation is to be conducted to find out the truth.

6. With the above direction, this Criminal Original Petition stands



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dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

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Internet: Yes/No

Index: Yes/No

Speaking/Non speaking order

shk

To

1. The Inspector of Police,
District Crime Branch,
Dharmapuri,
Dharmapuri District.
2. The Public Prosecutor,
High Court of Madras.



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V.SIVAGNANAM,J.
shk

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