



Crl.O.P.No.31212 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2022

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31212 of 2022

and

Crl.M.P.No.19072 of 2022

1.R.S.Kanthamani
2.V.Bakkiyalakshmi
3.S.Narasammal
4.C.Baskar

... Petitioners

Vs.

1.State by,
The Inspector of Police,
CCIW, Vellore District.
(Crime No.2 of 2018)

2.The Deputy Registrar of Co-operative Societies (in-charge)
Tirupattur,
Tirupattur District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
to call for the entire records pertaining to the impugned FIR in Crime No.2 of
2018 on the file of the first respondent police in so far as the petitioners are
concerned and quash the same.



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For Petitioners : Mr.E.Balasubramani

For Respondents : Mr.S.Santhosh,
Government Advocate (Criminal side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.2 of 2018 pending on the file of the first respondent police .

2. The learned counsel for the petitioners submitted that on the basis of the complaint received by the Deputy Registrar of Co-operative Societies in respect of misappropriation of funds in the Tamil Nadu Agricultural Loan Waiver Scheme, detailed enquiry has been conducted under section 81 of the Tamil Nadu Co-operative Societies Act, 1983. During the course of enquiry, it was found that from 01.04.2015 to 31.03.2016, the funds of the society were misappropriated to the tune of Rs.53,58,200/-. The petitioners attended the enquiry and gave explanations that they have neither participated in the official duties nor involved in any of the transactions held in the Society, since they were only Executive Committe Members of the Society. The surcharge



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proceeding initiated against the petitioners by the second respondent was dropped for the reason that the petitioners had acted only in good faith by trusting the Secretary, Clerk and Vice President and there is no wilfull negligence in their part. On the basis of this report, learned counsel for the petitioner seeks to quash the FIR.

3. The learned Government Advocate (crl.side) submitted that the co accused had filed Crl.O.P.No.23702 of 2022 for quashing the FIR, this Court while disposing the petition itself observes the fact that the defence of good faith is not available for the accused, who is in-charge of accounts and handing over the money and dismissed the petition.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (crl.side) for the respondents.

5. On perusal of records, it is seen that from 01.04.2015 to 31.03.2016, the funds of the society were misappropriated to the tune of Rs.53,58,200/-. The alleged amount is huge and the investigation is at the premature stage. Therefore, it does not meet the parameters laid down by the Supreme Court in



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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

CrI.L.J.817). Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Hence, I find no merit in this case.

6. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed. The first respondent is directed to expedite the investigation in Crime No.2 of 2018 and file the final report before the concerned Court in the manner known to law as early as possible.

19.12.2022

Index:Yes/No

Internet:Yes/No

Speaking/Non speaking order

shk



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To

1. The Inspector of Police,
CCIW, Vellore District.
(Crime No.2 of 2018)
2. The Deputy Registrar of Co-operative Societies (in-charge)
Tirupattur,
Tirupattur District.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN.J.,

shk

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