



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cr1.O.P(MD)No.1861 of 2022

and

Cr1.M.P(MD)Nos.1353 and 1354 of 2022

G.Anandasamy ... Petitioner/Accused No.2
Vs.

1.The State, represented by
The Inspector of Police,
C.C.I.W.C.I.D.,
Trichy
(Crime No.4 of 2007) ...Respondent/Complainant

2.The Deputy Registrar of Co-operative Societies,
Tiruchirappalli Circle,
Tiruchirappalli District....Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for records pertaining to C.C.No.103 of 2010, on the file of the learned Judicial Magistrate No.II, Tiruchirappalli and to quash the same.

For Petitioner : Mr.A.Saravanan
for M/s.Pais Lobo @ Alvares

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

O R D E R

Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2.The petitioner is figuring as an accused in the impugned calender case.

3.The specific stand of the petitioner is that he joined the Co-operative Society in question as President on 31.10.1996. It is beyond dispute that this was subsequent to the commission of the crime. The society funds had been misappropriated. But, the misappropriation had taken place before the petitioner joined the society as President.



4. Therefore, implication of the petitioner appears to be without any basis. When there is no legally acceptable material to connect the petitioner with the crime, continuation of the prosecution against him is unwarranted. It would also amount to abuse of legal process. In this view of the matter, the impugned proceedings are quashed, insofar as the petitioner is concerned. The prosecution will go on against the remaining accused.

5. This Criminal Original Petition is allowed. Consequently, the connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The Judicial Magistrate No. II, Trichy.
2. The Inspector of Police,
C.C.I.W.C.I.D., Trichy
3. The Deputy Registrar of Co-operative Societies,
Tiruchirappalli Circle,
Tiruchirappalli District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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KS (CO)
TR (07.03.2022) 2P 5C