



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.18892 of 2021

and

Crl.M.P. (MD)No.10483 of 2021

WEB COPY

G.Karthigaichamy ...Petitioner/Accused No.5

Vs.

1.State represented by
The Inspector of Police,
District Crime Branch,
Madurai.

(In Crime No.26 of 2009) ...Respondent/Complainant

2.G.Ramanujam ...Respondent/Defacto Complainant

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in Crime No.26 of 2009 on the file of the Inspector of Police, District Crime Branch, Madurai, Madurai District and quash the same as against the petitioner herein.

For Petitioner : Mr.N.Mohideen Basha
For Respondents : Mr.E.Antony Sahaya Prabahar,
Addl. Public Prosecutor for R1.

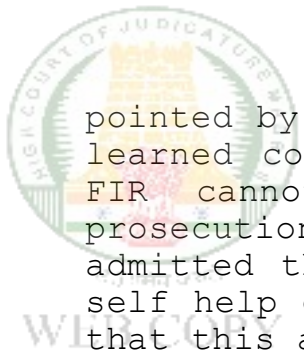
Mr.H.Arumugam for R2.

O R D E R

This criminal original petition has been filed to quash the impugned FIR.

2.The learned counsel for the petitioner reiterated all the contentions set out in the memorandum of grounds. According to the petitioner's counsel, the petitioner is figuring as fifth accused in Crime No.26 of 2009 on the file the District Crime Branch, Madurai. The defacto complainant is the Regional Manager, State Bank of India, K.K.Nagar Branch. The petitioner was working as an assistant and he was on probation. According to the petitioner, the main accused had granted bank loans to fictitious self groups. The petitioner had only taken a private loan from the second accused and he had also repaid. The petitioner wants this FIR to be quashed primarily for two reasons. Firstly, there are no specific overt acts attributed to him. Secondly, pendency of the FIR at the investigation stage is for more than 12 years.

3.I am not persuaded by the said submissions. As rightly



pointed by the learned Additional Public Prosecutor as well as the learned counsel for the defacto complainant, the contents of the FIR cannot be taken as the final statement embodying the prosecution case. According to the prosecution, the petitioner had admitted that he was responsible for creation of three fictitious self help groups. Of course, the petitioner's counsel would claim that this admission was later retracted. Be that as it may, since there are *prima facie* materials to implicate the petitioner, the question of invoking the inherent powers of this Court will not arise. It has been held time and again that the prosecution case will have to be taken as its face value and it is not open to the Court to analyse their genuineness or reliability. It is seen that as early as in the year 2013 in W.A.(MD)Nos.369 and 412 of 2011, the investigation officer informed the Hon'ble Division Bench that investigation will be completed within six months. Eight years has since passed by and the case is still at the FIR stage. The delay cannot be excused or appreciated. The first respondent is strictly directed to file the final report on or before 20.01.2022. Mr.Chandra Mouli, Additional Superintendent of Police, who is in-charge of the District Crime Branch, Madurai shall file an affidavit before this Court setting out not only compliance of the direction now given but also the list of cases, which are pending at the FIR stage for more then five years.

4.With this direction to the first respondent, this criminal original petition is dismissed. The compliance report should be filed before the Registry positively on 21.01.2022. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

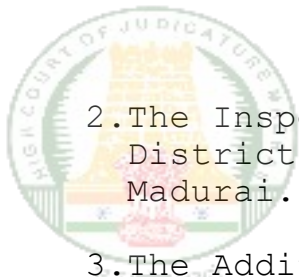
Sub Assistant Registrar(CS)

ias

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 Additional Superintendent of Police,
District Crime Branch,
Madurai.



2.The Inspector of Police,
District Crime Branch,
Madurai.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.H.ARUMUGAM, Advocate (SR-880[F] dated 07/01/2022)

Crl.O.P(MD)No.18892 of 2021
06.01.2022

AP (12.01.2022) 3P 5C