



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON	10.06.2022
DELIVERED ON	14.06.2022

CORAM :

THE HONOURABLE MRS.JUSTICE S.ANANTHI

CRL.O.P.(MD)No.16814 of 2018

and

Crl.M.P.(MD)No.7439 & 7440 of 2018

Muthulakshimi

...Petitioner/Accused

Vs.

1.State through the Inspector of Police,
D1, Thallakulam Crime Police Station,
Thallakulam, Madurai.
Crime No.743 of 2011.

...1st Respondent/Complainant

2. Vanithamani

...2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in C.C.No.174 of 2013 on the file of the Judicial Magistrate Court-II, Madurai, quash all further proceedings.

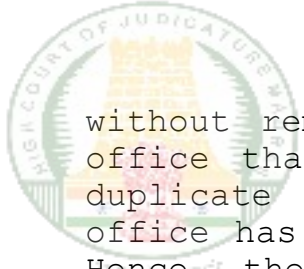
For Petitioner : Mr.S.Karthikeyan
For R-1 : Mr.M.Muthumanikkam
For R-2 : Mr.P.Paranthaman

ORDER

This Criminal Original Petition has been filed to quash the proceedings in C.C.No.174 of 2013 pending on the file of the Judicial Magistrate Court No-II, Madurai.

2. Heard on either side. Perused the material documents on record.

3.The case of the prosecution against the petitioner/accused is alleged to have committed an offence under Section 409 of IPC. The defacto complainant is having a LIC policy in the name of her daughter Dharsini, for which she is the nominee and it was a Money plus policy. The defacto complainant said to have deposited the LIC due amount in the Ganaolipuram Branch. She has paid the LIC due amount and kept the LIC bond along with the LIC receipt in the office drawer itself. Thereafter, due to her family situations she alleged that she forgot that and kept her LIC bond in her office and



without remembering the same she made a complaint before the LIC office that as if she lost her LIC bond and tried to apply for duplicate LIC bond. At that time the administrator of the LIC office has stated that her LIC bond has already been surrendered. Hence, the defacto complainant has approached the IDBI Bank and verified that her LIC bond was surrendered and cheque No.56245 has been transferred on 04.01.2011 in the name of LIC of India. So, again the defacto complainant has approached the LIC office and she came to understand that Tmt.Manoharidoss who is residing at No.56 Bharathi thasan salai, Near Meenakshi Kalyana Mahal, Mahaboopalayam, has said to have forged the signatures of the defacto complainant and by impersonation claiming herself as Vanithamani the said Manoharidoss has surrendered the policy. Originally, the petitioner/accused was examined as a witness and she was enquired number of times in the Thallakulam Crime Police Station and all the facts have been revealed that she has not committed any offences whatsoever. But, after investigation, the petitioner who is an agent surrendered the said policy and received the amount and kept her from December 2010 to March 2011. So charge sheet filed against this petitioner also.

4.The petitioner/accused has stated that she was examined only as prosecution witness. Only the defacto complainant handed over the policy to her for surrendering. If it is so, why the petitioner has received the amount and keep it for four months with her. The petitioner may send written notice to the complainant to disburse the amount.

5.As per statement of the petitioner/accused under Section 164 Cr.P.C., she has produced the cheque of the complainant for the policy of two children of Manoharidoss and got amount instead of cheque. But, it has to be established through evidence.

6.To discharge from the offences the petitioner/accused has to prove three points that, i).Whether the policy was handed over to the petitioner/accused for surrendering by the defacto complainant? and (ii).Whether the petitioner/accused without any intention keep the amount for paying the amount to defacto complainant? and (iii) Whether the petitioner/accused has paid the amount to the policy of children of Manoharidoss.

7.Initially, the alleged complaint was preferred against Manoharidoss only. After completing investigation, charge sheet was laid against this petitioner/accused.

8.The issues can be proved only through evidence during trial. The receipts have also produced by the petitioner/accused which shows that she has paid the amount to LIC only on 06.03.2011.



9. So, at this stage the case against the petitioner/accused cannot be quashed.

10. Finally, this Criminal Original Petition stands dismissed. Since the case is pending from the year 2013, the learned Judicial Magistrate No. II, Madurai, is directed to dispose the case, within a period of four months, from the date of receipt of copy of the order, independently, without influencing the order passed by this Court. Consequently, connected miscellaneous petition are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ / 2022

Sub Assistant Registrar (CS)

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To

1. The Judicial Magistrate No. II, Madurai.

2. The Inspector of Police,
D1, Thallakulam Crime Police Station,
Thallakulam, Madurai.

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

+1 CC to M/s.P. PARANTHAMAN, Advocate (SR-25720[F] dated 15/06/2022)

+1 CC to M/s.S. KARTHIKEYAN, Advocate (SR-26211[F] dated 16/06/2022)

Order made in
CRL.O.P. (MD) No. 16814 of 2018
14.06.2022

IM (ASO)

TR (21.06.2022) 3P 6C