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CrI.O.P.No.15383 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

CrI.O.P.No.15383 of 2021 and
CrI.M.P.No.8419 of 2021

P.Panneerselvam

... Petitioner / 2nd accused

/vs/

1.State Rep. by
The Inspector of Police (CCB),
Tiruppur City Police Station,
Tiruppur District.

2.R.Ramasamy ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records relating to the FIR / Crime No.2 of 2021, dated 26.01.2021 on the file of the respondent police and to quash the same as null and void as far as the petitioner is concerned.

For Petitioner ... G.Thangavel

For Respondents ... Mr.A.Gopinath,
Govt. Advocate (CrI.Side) for R1

ORDER

This Criminal Original Petition has been filed to call for the records relating to the FIR / Crime No.2 of 2021, dated 26.01.2021 on the file of the



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respondent police and to quash the same as null and void as far as the petitioner is concerned.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the first respondent.

3. The petitioner is the second accused. The complaint has been given by the second respondent who is the District Registrar (Admin), Tiruppur district on the allegation that the petitioner and others have colluded among themselves and misused the User ID and Password of various Sub Registrar Offices and misappropriated huge sum on various dates.

4. The learned counsel for the petitioner submitted that the petitioner who is shown as the second accused in the case is only an Office Assistant who has got no access to the User ID and Password maintained by the Sub-Registrar Office and no amount has been swindled by the petitioner; in the allegations made in the FIR also nothing is shown against this petitioner; since the petitioner is a basic servant, he has got nothing to do with the occurrence; therefore, the proceedings should be quashed against the



petitioner.

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5. The learned Government Advocate (Crl.Side) submitted that the petitioner has also played a vital role after the office hours by misusing the account and was instrumental in misappropriating the money.

6. On perusal of the FIR, it is seen that apart from this petitioner, there are other Office Assistants have also been shown as the accused. The allegations against the petitioner and other staff of the Registration Department is that they have misused the User ID and Password during the absence of the Sub-Registrar and they had swindled the amount by adopting different tactics. Even though this petitioner was said to be an Office Assistant of the Sub-Registrar Office, the allegation as against him also that he joined along with other staff members and had misused the User ID and Password and was able to access the accounts and was also instrumental in making the amount deposited through online for the purpose of misappropriation. Only if a detailed investigation is allowed to continue, the *modus operandi* that was adopted to tamper the system and the involvement



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of each of the accused can come to light.

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7. The petitioner is not a stranger. He is also the staff of the Sub-Registrar Office and a responsible Officer has given a complaint by making the allegation that the petitioner had also played a role in committing the offence. The records would show that the investigation is almost completed and the charge sheet will be laid shortly. In view of the above development and also considering the facts and materials on records and also the nature of the offence, I find no reason to quash the proceedings as against the petitioner at the threshold stage itself.

8. In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

03.01.2023

Index: Yes/No
Internet: Yes/No
gsk

To



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1.The Inspector of Police (CCB),
Tiruppur City Police Station,
Tiruppur District.

2.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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