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Crl.O.P.No.15821 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.15821 of 2021 and
Crl.M.P.No.8630 of 2021

1.Mr.Ruban Romio

2.Mr.S.Pranesh

... Petitioners /Accused A2 & A7

Vs.

1.The Inspector of Police,
District Crime Branch,
Nilgiris Udhagamandalam.
(Crime No.10 of 2012)

2.Thiru D.Stanley

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records and to quash the proceedings in C.C.No.119 of 2018 pending on the file of the Additional Mahila Court at Magisterial Level Nilgiris-1 in the interest of justice.

For Petitioners	: Mr.C.Rajan
For Respondents	: Mr.A.Gopinath, Govt. Advocate (Crl.Side) for R1 Mr.L.Rajendran for R2



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ORDER

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

3. The petitioners are ranked as A2 and A7 in the said case. The second respondent is the Manager of Sri Ram Transport Finance Limited. On the allegation made by the second respondent that the petitioners who have availed a vehicle loan from the second respondent had cancelled the hypothecation agreement by forging the signature of the second respondent with the connivance of the first accused who was the Field Officer of the second respondent's Company at the relevant point of time.

4. The learned counsel for the petitioners submitted that on 18.08.2014 itself these petitioners along with one another borrower had entered into a memo of understanding with the second respondent wherein it is clearly



agreed by the second respondent that the petitioners have settled the entire dues to the second respondent and the second respondent also agreed to withdraw all the criminal proceedings against the petitioners.

5. The learned counsel for the second respondent also did not object to the genuineness of the memo of understanding referred by the learned counsel for the petitioners.

6. Even when the matter is taken up today, the learned counsel for the second respondent submitted that he has no objection to quash the proceedings as against these petitioners who had settled the dues. Though the criminal proceedings cannot be used as a weapon for the recovery of money, it is seen that there are allegations made with regard to the forging of certain documents with the help of the first accused. However, the materials available on record do not disclose the facts as to who had forged whose signature for the benefit of whom. Further the expert's opinion was also not obtained by the first respondent Agency in order to prove the primary allegation as to the forging or falsification of records in this regard.

7. Without these material facts, if the petitioners are subjected to trial



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that would only prejudice their interest and it will not serve any purpose.

Since there is no specific overtact alleged against the petitioners and the petitioners have also settled their dues to the second respondent, it is unnecessary to keep the proceedings pending against these petitioners. In view of the above stated reasons, I feel the proceedings against A2 and A7 should be quashed in order to meet the ends of justice.

8. In the result, this Criminal Original Petition is allowed and the proceedings in C.C.No.119 of 2018 pending on the file of the Additional Mahila Court at Magisterial Level Nilgiris-1, is quashed as against these petitioners. Consequently, connected miscellaneous petition is closed.

Index: Yes/No
Speaking / Non Speaking Order
gsk

01.02.2023

To

1.The Additional Mahila Court at Magisterial Level,



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Nilgiris-1.

2.The Inspector of Police,
District Crime Branch,
Nilgiris Udhagamandalam.

3.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.

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