



*Crl.O.P.No.29287 of 2019
and CRL.MP.No.15811 of 2019*

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2023

CORAM:

THE HONOURABLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.29287 of 2019
and
CRL.MP.No.15811 of 2019

Anitha

...Petitioner

-Vs-

1. The Inspector of Police,
C2 Race Course Police Station (Crime),
Coimbatore City,
Coimbatore.

2. Navin Prakash

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to call for the entire records pertaining to FIR No.339 of 2019 dated 22.05.2019 registered on the file of the 1st respondent and quash the same.

For Petitioner : Mr.Nelson Britto G.C

For Respondents : Mr.A.Gopinath
Government Advocate (Crl. Side) for R1
Mr.L.Prabakar for R2

ORDER



*Crl.O.P.No.29287 of 2019
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WEB COPY

This Criminal Original Petition has been filed to call for the records in Crime No.339 of 2019 and quash the same as against the petitioner.

2. The petitioner is the 1st accused in Crime No.339 of 2019. The *defacto* complainant, who is the proprietor of Zero Gravity Photography, which is situated at Trichy Road, Nadar Colony, Coimbatore; the petitioner has joined as Business Development Manager with the 2nd respondent's/*defacto* complainant's concern on 03.10.2017; the 2nd accused has joined in Back Office Operation section on 25.06.2018; the 3rd accused is said to be working in collection section, when the accounts of the Company was scrutinized for the period between 2018-19; it came to light that a total sum of Rs.2,21,000/- was misappropriated by the accused 1 to 3. On the complaint given by the 2nd respondent in this regard, a case has been registered.

3. Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) appearing for the first respondent and the learned counsel for the second respondent. Perused the entire materials available on record.

4. The learned counsel for the petitioner submitted that the petitioner is



*Crl.O.P.No.29287 of 2019
and CRL.MP.No.15811 of 2019*

WEB COPY

in no way connected with the alleged misappropriation; excepting her role as Business Development Manager, she doesn't have any connection with the collection agent or the stock attached to Bank account. Hence, there is no truth in the allegation made against the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the first respondent submitted that the petitioner is one of the named accused in the complaint and the manner in which the amount has been misappropriated by all the three accused has to be recovered only by way of investigation.

6. The learned counsel for the 2nd respondent also adopted the arguments of the learned Government Advocate (Crl. Side) appearing for the first respondent.

7. On perusal of the records, it is seen that the petitioner has joined as Business Development Manager on 03.10.2017 with the 2nd respondent's Company viz., Zero Gravity Photography. The specific allegation of the second respondent is that all the accused, who are staff, had misappropriated a total sum of Rs.2,21,000/- by making use of their official position. It is not the contention of the petitioner that she was not related to the 2nd respondent's Company at any point of time. So, only if the investigation is allowed to



*Crl.O.P.No.29287 of 2019
and CRL.MP.No.15811 of 2019*

WEB COPY

continue, the overtact, if any, against each of the accused in misappropriating the alleged sum can be known. At the threshold stage itself, the Court cannot come to any presumptive conclusion about the innocence of the accused. Since materials available discloses a *prima face* case, I do not find that it is a case fit enough for consideration under Section 482 Cr.P.C.

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

23.01.2023

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation Case: Yes/No

kmi

To

1. The Inspector of Police,
C2 Race Course Police Station (Crime),
Coimbatore City, Coimbatore.
2. The Public Prosecutor,
High Court of Madras,
Chennai-600 104.

R.N.MANJULA, J

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*Crl.O.P.No.29287 of 2019
and CRL.MP.No.15811 of 2019*

Crl.O.P.No.29287 of 2019
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