



Crl.O.P.No.1 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM

THE HON'BLE Mr.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.1 of 2023

S.Sasikumar

... Petitioners

-Vs.-

1.State rep by
The Inspector of Police,
Thiruvottiyur Police Station,
Thiruvottiyur
Crime No.700 of 2022

2.Esudoss

.. Respondents

Criminal Original Petition filed under Section 482 of Code of Criminal Procedure to call for the records of the criminal case in Cr.No.700 of 2022 on the file of the first respondent and quash the same in respect of the petitioner.

For Petitioner :Mr.P.Pugalenth

For Respondents :Mr.S.Santhosh,
Government Advocate (Criminal side)
for R1



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ORDER

This Criminal Original Petition has been filed to call for the records of the criminal case in Cr.No.700 of 2022 on the file of the first respondent and quash the same in respect of the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner is the Manager of Equitas Small Finance Bank and he is no way connected with the collection of money from the customers. However, he is also shown as an accused, involved in collection of money from the customers and not paying to the Bank. This is apparently illegal and therefore the FIR against the petitioner has to be quashed.

3. Per contra, the learned Government Advocate (Criminal side) submitted that the first accused namely, S.Sasikumar, the petitioner herein is the Manager of the said Bank and all the other accused are collection Agents of the Bank. He further submitted that collection Agents, i.e., A2 to A4 used to collect money from the customers of the Bank and pay the same to the first accused. The first accused instead of



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paying the money to the Bank, had not deposited the same and therefore it is alleged that all the accused have committed cheating, criminal breach of trust and forgery and also they have falsified the account. Hence, this case came to be registered.

4. Considered the rival submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal side) and perused the materials available on records.

5. The FIR allegations shows that the petitioner and other accused have collected money from the borrowers of the Bank and instead of depositing the collected money in the Bank, they had connived and misappropriated the money to the tune of Rs.7,32,236/- without depositing the same to the Bank. The allegations made in the FIR clearly states that the petitioner is also one of the accused and he was involved in the collection of Rs.7,32,236/- and not paying the money to the Bank.



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6. Therefore this Court finds that *prima facie* case has been made out against the petitioner and the other accused for registering FIR under Sections 409, 464, 465, 468, 477A and 420 IPC and for investigating the case.

7. In view of the above, this Criminal Original Petition is dismissed as it has no merits.

05.01.2023

Speaking/Non-speaking order
Index: Yes/No
Internet : Yes/No
nsa

To

1.The Inspector of Police,
Thiruvottiyur Police Station,
Thiruvottiyur
Crime No.700 of 2022

2.The Public Prosecutor,
High Court, Madras.



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G.CHANDRASEKHARAN.J.,

nsa

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