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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 28/04/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.6094 of 2023

and

Crl.MP(MD)No.5348 of 2023

Chinnadurai : Petitioner/A2

Vs.

1.State rep. by
The Inspector of Police,
City Crime Branch,
Trichy City.
(Crime No.50 of 2019)

: R1/Complainant

2.Mr.Premkumar

: R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records pertaining to the First Information Report in Crime No.50 of 2019 on the file of the 1st respondent police and quash the same as illegal as against the petitioner and pass such further or other orders.

For Petitioner : Mr.K.Arjunraj

For 1st Respondent : Mr.B.Nambiselvan
Additional Public Prosecutor

**ORDER**

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This criminal original petition is filed seeking quashment of the FIR in Crime No.50 of 2019 on the file of the 1st respondent police.

2.The case of the prosecution in brief:-

The de-facto complainant is the Senior Regional Manager, Indian Overseas Bank, Cantonment, Trichy. He has stated in the complaint that one Durairaj, who is the husband of the customer namely Emily Sola sent a complaint to the Branch Manager stating that his wife died in 2014. During the enquiry with regard to her savings account, it was informed that several lakhs of amount have been taken illegally from her account. On verification of the above said account, it was found that Rs.28,00,000/- has been misappropriated or taken illegally. During his enquiry, he found that one Shek Moideen, who was working as Branch Manager in the above said Branch has committed the above said misappropriation. The above said illegal activity was committed by informing the Assistant Manager namely the petitioner herein. For the above said illegal activity,



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this petitioner supported, helped and connivance was also found out. So based upon the enquiry, he lodged a complaint, over which, a case in Crime No.50 of 2019 has been registered for the offences under sections 409, 417, 420, 465, 468 and 471 IPC.

3.Now pending investigation, this petition has been filed by the petitioner on the ground that no specific overtact has been attributed against him and he was working as Assistant Manager in the above said Branch during the relevant time; During anticipatory bail, A1 namely Shek Moideen deposited Rs.20,00,000/- and he was also undertook to pay the balance amount. On that account, anticipatory bail was ordered.

4.Now the learned counsel appearing for the petitioner would submit that since A1 himself has agreed to return the entire amount admitting his guilt, the investigation must be quashed against this petitioner.

5.But I am unable to agree this line of argument. A specific allegation has been made in the complaint that only with the connivance, help and support of this



petitioner, A1 has committed the above said misappropriation. The extent to which this petitioner connived with A1 can be a matter for investigation only. Stalling the investigation at the preliminary stage in the above said nature and magnitude is not at all permissible. No legal ground has been made by the petitioner. Only factual plea has been taken, which cannot be taken into account at this stage. So, I find no merit in this petition.

6. In the result, this criminal original petition is **dismissed**. Consequently, connected Miscellaneous Petition is closed.

28/04/2023

Index: Yes/No
Internet: Yes/No
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To,

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1. The Inspector of Police,
City Crime Branch,
Trichy City.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G. ILANGO VAN, J

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Cr1.OP(MD)No.6097 of 2023

28.04.2023



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