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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30/06/2023

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

Crl.OP(MD)No.9803 of 2023

and

Crl.MP(MD)Nos.7824 and 7825 of 2023

Srinivasan : Petitioner/A1

Vs.

1.State rep. by
The Inspector of Police,
City Crime Branch (CCB) Police Station,
Trichy City,
Tiruchirappalli District.
(Crime No.3 of 2020) : R1/Complainant

2.Hari : R2/De-facto Complainant

Prayer:Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records of proceedings in CC No.73 of 2023 on the file of the Judicial Magistrate Court No.1, Tiruchirappalli & District and to quash the same in so far as the petitioner alone and pass such further or other orders.

For Petitioner : Mr.R.Murugappan

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

**ORDER**

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This criminal original petition is filed seeking quashment of the case in CC No.73 of 2023 on the file of the Judicial Magistrate No.1, Trichy.

2.The case of the prosecution in brief:-

The de-facto complainant lodged a complaint stating that he is working as General Manger in KAG Tiles Company. A1 was working as Branch Manager in Trichy. A2 is working as Cashier. A3 is Godown In-charge, A4 is doing business in the name and style of Vinayaka tiles. On information that misappropriation takes place in the above said branch, a team consisting of the de-facto complainant, the General Manager and Auditor Manoharan and others made inspection and auditing. At that time, several irregularities were found in the account. And the financial deals and stocks also found to be deficient. Apart from that, it was also known that money collected was not deposited in the account. Finding that sum of Rs.1,46,72,044/- has been misappropriated, they lodged a complaint. After completing the investigation,



implicating the petitioner as an accused, charge sheet was filed and it was taken on file in CC No.73 of 2023 by the Judicial Magistrate No.1, Trichy.

3. Seeking quashment of the same, A1 filed this petition on the ground that only on the basis of the confession statement of the co-accused, this petitioner has been implicated as A1; No documents have been collected during the course of investigation to show that this petitioner indulged in misappropriation.

4. Heard both sides.

5. This is a case of cheating, falsification of records and misappropriation of large scale in a private company. In the complaint, it has been specifically stated that A1 was working as Branch Manager in the above said branch located in Trichy. So being the Branch Manager, he was responsible for the entire business transactions including the financial dealings. It is a clear allegation to the effect that Rs.1,46,72,044/- has been misappropriated in the above said branch. Apart from that, false records were also found. When such serious



allegation has been made, I am of the considered view that unless the petitioner is able to make out the strong defence, he cannot be discharged from the criminal liability. It has been specifically stated that the witnesses examined during the course of investigation are only hearsay witnesses. And during the course of investigation, the petitioner was illegally detained for three days and forced to sign in the blank papers and documents, etc. So these are the factual grounds, which have been mentioned by the petitioner.

6.CD file has been called for and perused. And the stock register, account statement has also been collected. So the case revolves around the documentary evidence. And sufficient materials have also been collected to show that large scale conspiracy between all the accused. And also several properties have been purchased by this petitioner and all the documents have also been collected. Whether the above said property has been purchased out of the misappropriation is also a matter for consideration before the trial court. The money, which was collected in the course of business transactions were also not properly accounted. So when



7. In the result, this criminal original petition stands **dismissed**. Consequently, connected Miscellaneous Petitions are closed.

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Index:Yes/No
Internet:Yes/No
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- 1.The Judicial Magistrate No.1,
Trichy.
- 2.The Inspector of Police,
City Crime Branch (CCB) Police Station,
Trichy City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN, J

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