



CrI.O.P(MD).No.13635 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 24.08.2023

Pronounced on : 20.09.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

CrI.O.P(MD).No.13635 of 2020
and
CrI.M.P(MD) No.6276 of 2020

Paul Raju

...Petitioner

Vs

1. The Inspector of Police
Natham police Station
Dindigul District

2. Mariyammal

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records relating to the impugned First Information Report in Crime No. 776 of 2020 on the file of the first respondent and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.A.Mohan

For R-1 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R-2 : Mr.J.Maria Rubit

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No. 776 of 2020 on the file of the first respondent.



2. According to the petitioner based on the complaint given by the second respondent the first respondent registered a case in Crime No. 776 of 2020 for the offences under Sections 406 and 420 of IPC as against the petitioner and six others. The alleged occurrence took place from 02.01.2015 to 31.07.2020 and the same has been reported on 07.09.2020. According to the prosecution case the women self help group on the advice given by A4 and A5 opened account in Canara Bank, Senthurai Branch on 01.01.2014 in the name of 'Karpaga Vinayagar Kulu'. A1 and A2 who were running the company namely Star Iswaryam Foundation at Senthurai had opened the bank account and loan proces in the above said bank. The said bank sanctioned a loan of Rs.18,000/- to each members of the defacto complainant group and they required to repay the amount within the stipulated period. Accordingly the defacto complainant and other members have duly given instalments dues to A4 and A5 to deposit on behalf of each members. One Usharani who is the President of Guberan Self Help group had understood that instalment dues given to A4 and A5 have not been credited in the actual account of the self help group and she was informed by A4 and A5 that they have once again handed over the amount payable to the bank to A1 to A3, but A1 and A2 said to have deposited the said amount in the fake names of the self help group and have misappropriated the amount with the help of the petitioner. Infact the allegations alleged in the First Information Report as against the petitioner are totally baseless and motivated. This petitioner has been



falsely implicated in this crime. The petitioner has no business dealing with the foundation run by A1 and A2. The entire due amount payable to the bank have been handed over to A4 and A5. This petitioner has no role in the above said criminal act and therefore the pending First Information Report is liable to be quashed.

3. No counter was filed by the respondents.

4. The learned counsel appearing for the petitioner would contend that the petitioner is working as a Manager in the bank and he is no way connected with the above said crime and based on the complaint given by the second respondent the first respondent registered a case in Crime No.776 of 2020 for the offences under Sections 406 and 420 of IPC.. Even according to the First Information Report the other accused involved in the occurrence and this petitioner not all involved in the above said crime. This petitioner being a manager has no role in the loan obtained by the self help group and he has been falsely implicated in this case and thereby the pending First Information Report is abuse of process of law and it is liable to be quashed.

5. The learned Additional Public Prosecutor appearing for the first respondent would contend that based on the complaint given by the



second respondent the first respondent registered a case in Crime No. 776 of 2020 for the offences under Sections 406 and 420 of IPC. Thereafter the first respondent conducted proper investigation and after investigation they filed final report before the concerned Court and as per the final report this petitioner along with other accused have created 13 fake self help group and obtained loan in the name of self help group and thereby *prima facie* materials are available as against the petitioner and at this stage it is liable to be dismissed.

6. Heard both sides and perused the materials available on records.

7. According to the petitioner he has been falsely implicated in this case and being the manager has no role with the self help group and he has not committed any offence as alleged in the First Information Report. In this case the petitioner has challenged the impugned First Information Report but the police have investigated the case and filed final report. On perusal of the final report filed by the first respondent there are *prima facie* materials available to proceed with the case as against the petitioner. In this case huge amount involved and further as per the investigation of the first respondent some *prima facie* materials are available as against the petitioner. The allegation levelled against



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the petitioner needs elaborate trial and thereby this Court need not interfere with the final report filed by the first respondent at this stage.

The petitioner has only challenged the First Information Report and now after registration of the First Information Report the first respondent filed final report as there are prima facie materials available to proceed as against the petitioner thereby this Court is not inclined to quash the First Information Report and the petition has no merits and it is liable to be dismissed.

8. Accordingly this Criminal Original Petition stands dismissed.
Consequently connected miscellaneous petition is closed.

20.09.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
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To

1. The Inspector of Police
Natham police Station
Dindigul District
2. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai



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P. DHANABAL,J.

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