



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRL.OP No. 8224 of 2022
& Crl. MP. No.4793 & 4795 of 2022

1.Ramesh
2.Raja
3.Srinivasan

[PETITIONERS]

Vs

M.Ganesan

Respondent

PRAYER : This petition has been filed under Section 482 of Cr.P.C, to call for the records relating to the criminal case in C.C No. 174 of 2021 on the file of the judicial Magistrate - II, Tirupattur quash the same by allowing this criminal original petition.

For Petitioners : Ms. ACP. Bala Kumar

For Respondent : Mr. M.Ganesan appeared in person.

ORDER

The petitioners herein filed this petition to call for the records relating to the criminal case in C.C No. 174 of 2021 on the file of the judicial



Magistrate - II, Tirupattur quash the same by allowing this criminal original petition.

2. The case of the prosecution is that the defacto complainant availed the gold loan from the Canara Bank, Madapalli Branch, Madavalam Post, Tirupattur District, in the said branch the petitioners is working as above mentioned designation. Further, on 13.08.2018, the respondent availed the gold loan for a sum of Rs.73,000/- vide account No. 1669842034947 by pledging two gold articles. Thereafter, on 15.07.2019, the second petitioner received the cash from one S.kathiga, Gold loan customer vide account No. 1669842034967. But the second petitioner erroneously closed the respondent gold loan account because the second petitioner entered the wrong gold loan vide account No. 1669842034967 instead of gold loan vide account No. 1669842034947 due to this respondent gold loan account was closed by the second petitioner. Hence, the complaint was lodged by the defacto complainant, based on that complainant respondent police final report in C.C No. 174 of 2021 on the file of the Judicial Magistrate - II, Tirupattur.

3. Heard both sides.



4. Considering the facts of the case, the defacto complainant availed the gold loan from the Canara Bank, Madapalli Branch, Madavalam Post, Tirupattur District, in the said branch the petitioner is working as above mentioned designation. Further, on 13.08.2018, the respondent availed the gold loan for a sum of Rs.73,000/- vide account No. 1669842034947 by pledging two gold articles. Thereafter, on 15.07.2019, the second petitioner received the cash from one S.kathiga, Gold loan customer vide account No. 1669842034967. But the second petitioner erroneously closed the respondent gold loan account because the second petitioner entered the wrong gold loan vide account No. 1669842034967 instead of gold loan vide account No. 1669842034947 due to this respondent gold loan account was closed by the second petitioner and on the same day the second petitioner informed the wrong closure of the gold loan account to the complainant.

5. Further, it reveals that the petitioner wrongly closed gold loan account vide account No. 1669842034967 instead of gold loan vide account No. 1669842034947 and the same was informed to the customer/complainant. The defacto complainant appeared in person stated that he had received his jewels from the bank. Therefore, this Court is of the view that the said incident was happened due to the inadvertence of the



bank

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employees/petitioners and also the petitioners informed the incident to the defacto complainant on the same day. Hence, there is no intention on the part of the petitioners to cheat the defacto complainant. Therefore, C.C No. 174 of 2021 is hereby quashed.

6. In the result, this petition is allowed. No Costs. Consequentially, connected miscellaneous petition is closed.

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To

- 1.The Public Prosecutor, High Court, Madras.
2. The judicial Magistrate - II, Tirupattur.

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