



Crl.O.P.Nos. 5840 & 6223 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM:

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

Crl.O.P.Nos. 5840 & 6223 of 2022

and

Crl.M.P.Nos.3218, 3220 & 3515 of 2022

P.Murugesan

.. Petitioner in
Crl.O.P.No.5840/2022

S.Bhuvaneswari

... Petitioner in
Crl.O.P.No.6223/2022

Versus

1. Inspector of Police,
C.C.I.W.C.I.D. Unit,
Namakkal Dt.
2. Deputy Registrar of
Cooperative Societies,
(Full Additional Incharge),
Namakkal Circle, Namakkal.

... Respondents in
both Crl.O.P.s



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COMMON PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No.670 of 2020 pending trial on the file of learned Judicial Magistrate No.II, Namakkal and quash the same.

For Petitioners in
both Crl.O.P.s : Mr.R.Balaramesh

For Respondents in
both Crl.O.P.s : Mr.S.Vinoth Kumar,
Govt. Advocate (Crl. Side)

COMMON ORDER

These Criminal Original Petitions have been filed seeking to quash the charge sheet in C.C.No. 670 of 2020 on the file of learned Judicial Magistrate No.II, Namakkal respectively.

2. Heard both sides.

3. Brief facts of the case is as follows :-

Both the petitioners have colluded with other accused and caused wrongful loss to the cooperative bank to the tune of Rs.1,13,609/- and decided to swindle the money, which is meant for disbursal of



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shareholders as dividend. Therefore, all the accused A1 to A20 were charged under Sec.406, 408, 468, 420, 477A, r/w 34 of I.P.C. As per the complaint, the fact reveals that a Namakkal Cooperative Bank, wherein A1 is working as a Manager and he is having custody over entire affairs of Bank and to control each and every subordinate workers under his supremacy. As per the allegation, all were having a common intention for making wrongful loss to the bank and they intended to swindle money, which was meant for disbursal of shareholders as dividend. Accordingly, a sum of Rs.1,13,609/- is the loss caused to the bank in the year of 2019. Now, the petitioners, who are ranked as A15 and A16 have filed this petition to quash the proceedings initiated against them.

4. The learned counsel for petitioners would submit that the petitioner viz., P.Murugesan is working as an Assistant and he was entrusted with the work of taking print out of papers, except that he has not involved in any other alleged offence. The petitioner S.Bhuvaneswari is working as jewel appraiser as a contract employee on a commission basis, except appraising jewels, she has no role to cause such a wrongful



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loss to the bank. Hence, they prayed to quash the proceedings initiated against them.

5. On perusal of entire facts, it reveals that as per allegation levelled against petitioners in the complaint is that they have joined their hands for the commission of offence along with other accused, but there is no specific overtact made out against them nor there is no materials to establish that they have withdrawn the amount from the bank with an intention to commit the offence as alleged in the complaint. Furthermore, there is no surcharge proceedings initiated against them and the complainant bank also dropped the disciplinary proceedings against the petitioner Murugesan, which would clearly shows that he has not involved in any such offence. Admittedly, the other petitioner Bhuvaneshwari, who is a temporary employee on contractual basis for appraiser, against her also, there is no materials to attract the offence as alleged in the complaint. Hence, I do not find any merit in the charge sheet initiated against the petitioners and the same is liable to be quashed. Accordingly, these Criminal Original Petitions are allowed and



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the proceedings initiated in C.C.No. 670 of 2020 on the file of learned Judicial Magistrate-II, Namakkal respectively is quashed. Consequently, connected Criminal Miscellaneous Petitions are closed.

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Index: Yes/No
Internet: Yes/No
rpp

To

1. Inspector of Police,
C.C.I.W.C.I.D. Unit,
Namakkal Dt.
2. Deputy Registrar of
Cooperative Societies,
(Full Additional Incharge),
Namakkal Circle, Namakkal.
2. The Public Prosecutor,
High Court, Madras.



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T.V.THAMILSELVI, J.

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