IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM:

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

Crl.O.P.No.7514 of 2022
and
Crl.M.P.Nos.4296 & 4297 of 2022

K.Radha ... Petitioner

Versus

1. State rep. by its
The Inspector of Police,
Central Crime Branch-V,
Vepery, Chennai-7.
(Crime No.106 of 2018)

2. K.V.Subramanian,
The Deputy General Manager (HRM),
The Tamil Nadu Industrial Investment
Corporation Ltd.,
692, Anna Salai, Nandanam,
Chennai-600 035. ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records in C.C.No. 144 of 2022 pending on the file of the learned Chief Metropolitan Magistrate, Special Court for CCB and CBCID cases, Egmore, Chennai and quash the same.

For Petitioner	:	Mr.R.Vivekananthan
For Respondents	:	Mr.S.Vinoth Kumar, Govt. Advocate (Crl. Side) for R1 Mr.V.Devendhiran for R2

ORDER

This Criminal Original Petition has been filed seeking to quash the charge sheet in C.C. No. 144 of 2022 on the file of learned Chief Metropolitan Magistrate, Special Court for CCB and CBCID cases, Egmore, Chennai.

2. Heard both sides.

3. Totally, there are three accused involved in the case. The petitioner is ranked as A2 in the F.I.R. in Crime No.106 of 2018 registered for the offence under Sec.420, 465, 467, 468, 471, 120B of I.P.C. Subsequently, the charge sheet has been filed and the same was taken on file in C.C.No.144 of 2022 on the file of learned Chief Metropolitan Magistrate, Special Court for CCB and CBCID cases, Egmore, Chennai and the same is pending. Now, the petitioner had filed this petition praying to quash the said charge sheet.

4. The case of prosecution is that in the year of 2007, A1 started a company named M/s. Sree Vengatachalapathi Electricals Pvt. Ltd. to manufacture electric poles, conductors, distribution transformers and pillar boxes etc. For the purpose of business, A1, being the contractor of TANGEDCO, he has obtained a loan from Tamil Nadu Industrial Corporation Ltd. under the Bill Finance Scheme and the same was regularly paid by A1 via instalment basis. While being so, in the year of 2012, A1 got acquainted with one Jeyaraj and he became one of the director in the aforesaid company by investing a sum of Rs.2,50,00,000/-.

However, due to financial crisis, A1 without the knowledge of other directors of the said company, had fabricated 55 K2 agreement Bill and invoice, furnished the same and obtained a loan for a sum of Rs.18,35,15,215/-, out of which, A1 failed to return the sum of Rs.9,73,50,000/- to the 2nd respondent/defacto complainant. So, on non-recovery of certain bills of A1, a special audit was undertaken by the internal audit department of Tamil Nadu Industrial Investment Corporation Ltd., and on verifying the same, it was revealed that 55 bills were forged by fabricating bar codes and obtained loan from Tamil Nadu Industrial Investment Corporation Ltd., thereby caused loss to the tune of Rs.8 crores. Hence, the complaint.

5. The learned counsel for petitioner would submit that she has been falsely implicated in this case by the 1st respondent police as per the complaint given by the 2nd respondent/defacto complainant. In fact, even though any bills were fabricated, those bills were approved by A1 for obtaining loan and she has not forged any such bills as alleged by the 2nd respondent/defacto complainant. Hence, no stretch of imagination can be

averred against the petitioner that she had approved the bills without verifying genuineness of bills and she is only empowered to disburse the loan. Accordingly, she verified the bills and granted loan, except that she has no other role with respect to alleged fabrication. Hence, he prayed to quash the proceedings for the charge of Sec.420 of I.P.C. and there is no malafide intention on her part.

6. By way of reply, the learned Government Advocate (Criminal side) appearing for 1st respondent would submit that all the three accused are involved in the offence of causing loss to Tamil Nadu Industrial Investment Corporation Ltd., by granting loan to A1 based on the fabricated invoices and bills.

7. Records perused. According to the prosecution, nearly about 51 bills were forged out of 117 bills and with regard to forgery, the prosecution is empowered to adduce evidence and the learned Government Advocate also submitted that they are having material evidence to prove the same. So, with regard to forgery, before the trial

court, both parties are entitled to adduce evidence. On considering the gravity of offence, I do not find any irregularity in the charge sheet initiated by the 1st respondent police and this Court is not inclined to quash the proceedings initiated against the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, liberty is granted to the petitioner to work out her remedy before the trial court. Consequently, connected Criminal Miscellaneous Petition is closed.

02.02.2024

Index: Yes/No
Internet: Yes/No
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To

1. The Inspector of Police,
   Central Crime Branch-V,
   Vepery, Chennai-7..

2. The Public Prosecutor,
   High Court, Madras.

T.V.THAMILSELVI, J.

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CRL.O.P.No.7514 of 2022

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