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CrI.O.P No.6845 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

CrI.O.P No.6845 of 2024

and

CrI.M.P.No.5025 of 2024

Thirunavukkarasu
S/o.Rajamanikam

... Petitioner

vs.

1.State represented by
Inspector of Police,
Uthangarai Police Station,
Dharmapuri District.
Crime No.354 of 2022

2.The Block Development Officer,
Office of the Block Educational Officer,
Uthangarai, Krishnagiri District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the First Information Report in Crime No.354 of 2022 pending on the file of Uthangarai Police Station, Krishnagiri District and quash the same.

For Petitioner : Mr.J.Pradeep
For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



Crl.O.P No.6845 of 2024

ORDER

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This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.354 of 2022 pending on the file of first respondent.

2. Heard Mr.J.Pradeep, learned counsel for petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor appearing for respondents.

3. It is brought to the notice of this Court that A1 had already approached this Court and the FIR was quashed by an order dated 08.02.2024 and the relevant portion is extracted hereunder:

"2. The petitioner is the first accused who was working as a Record Clerk at Uthangarai. The defacto complainant is the second respondent and he is the Controlling Officer. The allegation is that the books which have been supplied to the Department for free distribution, have been misused by the accused and a case has been registered in the above Crime Number for the offence under Section 381 IPC.

3. The learned counsel for the petitioner submitted that the petitioner who is a Record clerk has got a limited duty of taking the free books for distribution and then bringing back the remaining books and give it to the defacto complainant. Though the defacto complainant is directly responsible for the books, he had given the complaint against the petitioner and the petitioner is no way responsible and he has not committed any offence.



CrI.O.P No.6845 of 2024

WEB COPY

4. The prosecution raised objection stating that he is also holding the responsibility for free books given to the school. 13 books were misplaced and he has also made corrections in the stock register which was found in enquiry.

5. Heard both sides and perused the materials placed on record.

6. Admittedly, the petitioner has assisted the A2, who is the Junior Assistant/Section Staff was handling the register of books stocked in the second respondent office to distribute the books. On perusal of the case bundle, it reveals that there is no materials ingredients to prosecute the petitioner that he had colluded with A2 in misappropriation of the free books. It is also be noted that he is in service for more than 20 years without any black mark.

7. Considering all these aspects, this Court is inclined to quash the proceedings in Cr.No.354 of 2022 on the file of the respondent police, subject to the payment of cost of Rs.30,000/- payable to The Chief Educational Officer Office, Krishnagiri District and the said amount is permitted to be utilised for the welfare of the children more particularly in purchasing the books for the library."

4. The above order passed in favour of A1 will enure in favour of the petitioner also. There shall be a direction to the petitioner (A2) to pay the cost of Rs.30,000/- [Rupees Thirty Thousand only] as directed in paragraph 7 of the above order. Subject to the fulfillment of this condition, the First Information Report in Crime No.354 of 2022 pending on the file of first respondent, will stand quashed.

N. ANAND VENKATESH, J.



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Crl.O.P No.6845 of 2024

gm

This Criminal Original Petition is disposed of in the above terms.

Consequently, connected miscellaneous petition is closed.

21.03.2024

Index : Yes/No

Neutral citation: Yes/No

Speaking Order/Non-Speaking Order

gm

To

- 1.The Inspector of Police,
Uthangarai Police Station,
Dharmapuri District.
Crime No.354 of 2022
- 2.The Block Development Officer,
Office of the Block Educational Officer,
Uthangarai, Krishnagiri District.
- 3.The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P.No.6845 of 2024