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Crl.O.P.No.10247 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

CORAM:

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

Crl.O.P.No.10247 of 2022
and Crl.M.P.Nos.6072 & 6071 of 2022

N.Loganathan

... Petitioner

Versus

State by

1.The Inspector of Police,
CCIW CID, Cuddalore,
Cuddalore District.
(Cr.No.1/2010).

2.The Deputy Registrar of Cooperative Societies,
Cuddalore Circle, Cuddalore,
Cuddalore District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for entire records concerned in C.C.No.54 of 2011 on the file of the Judicial Magistrate-I, Cuddalore, Cuddalore District and quash the same in so far as the petitioner is concerned.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.S.Vinoth Kumar,
Government Advocate (Crl. Side)



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ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.54 of 2011 on the file of the Judicial Magistrate-I, Cuddalore, Cuddalore District, in which cognizance was taken for the offence punishable under Sections 120(B), 468, 471, 477(A), 408 and 420 IPC.

2. The petitioner was working as a Cashier in the Vellakkarai Primary Agricultural Co-operative Society, Vellakkarai, Cuddalore District. While discharging his duties, the Deputy Registrar of Co-operative Societies ordered an enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act regarding alleged irregularities committed by the Society officials concerning the issuance of loans to members. Following the receipt of the enquiry report under Section 81, the Deputy Registrar lodged a complaint against the Society officials and about 110 members. Subsequently, the same complainant initiated surcharge proceedings under Section 87 based on the aforementioned



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report. However, the petitioner's name was not included in these surcharge proceedings, as he was found not to have committed any irregularities and was excluded from the recovery proceedings.

3. The learned counsel for the petitioner further submitted that during the enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, the petitioner's name was not included in the FIR. However, the same complainant, after detailed consideration during the surcharge proceedings under Section 87, concluded that the petitioner had not committed any offence and therefore dropped all further proceedings against him. Despite this, the respondent police, without considering the outcome of the Section 87 surcharge proceedings, implicated the petitioner in the charge sheet as A5. The Deputy Registrar of Co-operative Societies / complainant, who initiated the surcharge proceedings under Section 87, clearly identified those responsible for the irregularities and the resulting loss to the society. Nonetheless, the respondent police included the petitioner's name in the charge sheet. Hence, the petitioner prays for the quashing of the proceedings against



4. The learned counsel for the respondents submitted that loans were sanctioned to society members without their consent, and fabricated documents and revenue records were created to avail the loans, which were then shared unlawfully among members. The petitioner is alleged to have been involved in fabricating accounts, unlawfully sharing the amounts, and cheating by providing false information to society members.

5. The learned counsel for the petitioner submitted that no surcharge proceedings were initiated against the petitioner, indicating his innocence and that he was falsely implicated in this case. Furthermore, his conduct did not cause any loss to the society, and thus he was not implicated in the surcharge proceedings. However it is also noted that proceedings against one of the accused were quashed by this Court in CrI.O.P.No.1100 & 1101 of 2018.

6. Considering the submissions from both sides, according to the



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prosecution, the petitioner played a major role in causing significant financial loss to the society, amounting to lakhs of rupees, which have not been recovered. Given the gravity of the offence committed by the petitioner, this Court declines to quash the proceedings in C.C.No.54 of 2011 on the file of the Judicial Magistrate-I, Cuddalore, Cuddalore District. However, liberty is granted to the petitioner to seek remedy before the trial court.

7. Accordingly, this Criminal Original Petition is dismissed. Consequently, the connected miscellaneous petitions are closed.

25.03.2024

Index: Yes/No
Internet: Yes/No
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T.V.THAMILSELVI, J.

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To

- 1.The Judicial Magistrate – I,
Cuddalore, Cuddalore District.
- 2.The Inspector of Police,
CCIW CID, Cuddalore,
Cuddalore District.
(Cr.No.1/2010).
- 3.The Deputy Registrar of Cooperative Societies,
Cuddalore Circle, Cuddalore,
Cuddalore District.
- 4.The Public Prosecutor,
High Court of Madras.

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