



CrI.O.P.No.11020 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:03.06.2024

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

CrI.O.P.No.11020 of 2024

and

CrI.M.P.No.7532 of 2024

A.Jaithun Beevi

.. Petitioner

/versus/

1.State of Tamil Nadu
Rep.by Inspector of Police,
Crime Branch CID-South,
Nagapattinam District.

2.The Deputy Superintendent of Police,
District Crime Branch, Nagapattinam.

.. Respondents

Prayer: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to call for the records relating to C.C.No.693 of 2022 on the file of the Chief Judicial Magistrate, Nagapattinam, Nagapattinam District and quash the same as against the petitioner.

For Petitioner :Mr.S.Giritharan

For Respondents :Mr.S.Udaya Kumar
Govt.Advocate (CrI.Side)

ORDER



Crl.O.P.No.11020 of 2024

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This Petition to quash the case in C.C.No.693 of 2022 on the file of the Chief Judicial Magistrate, Nagapattinam, in which the petitioner herein is the fourth accused. The Final Report indicates that the first accused, who was working as a staff in the Police Department dealing with the data of the police force, has manipulated the records and alleged to have been siphoned nearly Rs.1,35,96,925/- between the year 2008 and 2013. The modus operandi adopted by the accused to disburse the money siphoned to the relative and friends and thereafter, withdraw the same. Totally, Rs.3,60,14,161/-, out of which a sum of Rs.61,61,016/- has been transferred to the account of the petitioner maintained in State Bank of India.

2. The learned counsel appearing for the petitioner submitted that the petitioner had no knowledge about the transfer of money into her account and neither operated the account.

3. The learned Government Advocate (Crl.Side) appearing for



Crl.O.P.No.11020 of 2024

the respondents submitted that it is a calculated misappropriation of the public fund for more than five years. The pay bills and salary arrears of the police personnels were diverted into the account of the accused persons and later, withdrawn. Without connivance and the overt act of operating the account in her name, the prime accused could not have withdrawn the misappropriated money. However, the learned Government Advocate (Crl.Side) submitted that the accused persons are the close relatives to each other and one after another filing the quash petition and delaying the process of the trial. Two accused were similarly approached this Court to quash the case but failed and this petitioner is third in row to delay the trial by filing this quash petition.

4. The perusal of the documents relied on by the prosecution clearly reveals *prima facie* case of mis-appropriation of fund pursuant to the conspiracy hatched by the accused persons. The plea of the learned counsel appearing for the petitioner that there is no evidence to show that the petitioner had knowledge about the alleged cheating is forfeited, when there is a documentary evidence to show that this petitioner is operating the bank account and in that account the mis-appropriated money has



CrI.O.P.No.11020 of 2024

been led for future withdrawal. Therefore, this petition to quash the criminal complaint of such a great magnitude is not sustainable. The observation made in dismissing the quash petition shall not stand in the way of the trial to decide the matter on merits after due trial. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

03.06.2024

Index:yes/no
Speaking order/non speaking order
Neutral Citation:yes/no
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To

- 1.The Chief Judicial Magistrate, Nagapattinam, Nagapattinam District.
- 2.The Inspector of Police, State of Tamil Nadu,
Crime Branch CID-South, Nagapattinam District.
- 3.The Deputy Superintendent of Police,
District Crime Branch, Nagapattinam.
- 4.The Public Prosecutor, High Court, Madras.

DR.G.JAYACHANDRAN,J.

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