



Crl.O.P.No.17660 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM:

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

Crl.O.P.No.17660 of 2022
and Crl.M.P.Nos.11043 & 11046 of 2022

Mathivannan

... Petitioner

Versus

1.State Rep by
Inspector of Police,
DCB; SP. Office
Villupuram 605 602.

2.Bala Subramaniam

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for records and pass an order quashing the charge against the petitioner / A3 in the final report filed in C.C.No.109 of 2021 on the file of the District Munsif Cum Judicial Magistrate, Vanur, pertaining to the FIR No.6 of 2021 on the file of the respondent.



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For Petitioner : Mr.P.T.Perumal
For Respondent 1 : Mr.S.Vinoth Kumar
Govt. Advocate (Crl. Side)

ORDER

The petitioner has filed this Criminal Original petitions to quash the proceedings in C.C.No.109 of 2021 on the file of the District Munsif Cum Judicial Magistrate, Vanur, in which cognizance was taken for the offences punishable under Section 420 of IPC.

2. The prosecution's case is that Indumathi (A1), employed as a Data Entry Operator (DEO) in the Vannur Sub Registrar Office and the Mailam Sub Registrar Office in Villupuram Taluk, worked as an employee of Tata Consultancy Services (TCS). It is alleged that during her tenure from 18.12.2019 to 18.12.2020, she misappropriated public funds amounting to Rs. 19,93,800/- in these Sub Registrar Offices. As per the normal course of functioning, each morning, the concerned Sub-



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Registrar would open the system using their user ID, password, and thumb impression. The DEO would then be instructed to use the system for appropriate data processing and making e-remittances. Periodically, the Sub-Registrar would verify and monitor the operations. During lunch breaks, the system would be closed, and operations updated by the Sub-Registrar, who was the only one able to reboot the system with their credentials. No DEO had the facility to independently open the system. Nothing could proceed without the Sub-Registrar's thumb impression. At the end of the day, all transactions were verified and enclosed by the Sub-Registrar, duly auditing the e-receipts and e-payments processed by the DEO. In this foolproof mechanism, no alteration or manipulation could occur without the Sub-Registrar's knowledge and involvement. Despite this, it is now alleged that Indumathi misappropriated Rs. 19,93,830/- over a period of 12 months by utilizing payment receipts.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and has not committed any offence as alleged by the prosecution. Therefore, he prays for the proceedings to be quashed.



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4. The learned Government Advocate (Crl. Side) appearing for the 1st respondent submitted that the petitioner misused the Sub-Registrar's user ID and password to open the system, thereby committing the misappropriation of public funds to the tune of Rs. 19,93,800/-. The 2nd and 3rd accused are said to have assisted A1 in this misappropriation. Therefore, the final report was filed against all three accused under Section 420 r/w 34 of IPC. The prosecution contends that there are no basic ingredients to prove the petitioner's involvement in the misappropriation, and thus the final report was filed, requesting to quash the proceedings. The petitioner is only an assistant and document writer of the Sub Registrar's office, and the final report indicates that he was merely a broker who was frequently present around the register office.

5. However, as pointed out by the petitioner's counsel, A1 swindled the entire amount that was said to be misappropriated, and the same was recovered from A1. Besides, there is no material produced by



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the prosecution to establish that this petitioner also colluded with A1 to misappropriate public funds. The alleged document received from the Sub-Registrar does not implicate this petitioner. There is no basic ingredient to attract Section 409 of IPC against this petitioner. Since the password was used by DEO/A1 and there are no basic ingredients to show that the petitioner acted with dishonest intention to defraud and misappropriate public funds, the proceedings in C.C.No.109 of 2021 on the file of the District Munsif Cum Judicial Magistrate, Vanur, against this petitioner alone are ordered to be quashed.

6. Accordingly, this Criminal Original Petition is allowed and Consequently, the connected miscellaneous petitions are closed.

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Index: Yes/No
Internet: Yes/No
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To

- 1.The District Munsif Cum Judicial Magistrate, Vanur.
- 2.The Inspector of Police, DCB; SP. Office, Villupuram 605 602.



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3.The Public Prosecutor, High Court, Madras.
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T.V.THAMILSELVI, J.

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