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CrI.O.P.No.19112 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.19112 of 2024

and

CrI.M.P.No.11269 of 2024

Rajesh

... Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
Grand Bazar Police Station,
Puducherry.

2.Baskaran

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of B.N.S.S, to call for the entire records connected with the FIR in Crime No.72 of 2023, on the file of the 1st Respondent Police herein and quash the same.

For Petitioner : Mr.P.Manivannan

For Respondents : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor (Pondy)
Asst. by Mr.M.Thamizhmani

ORDER

The petitioner herein is the 3rd accused in Crime No.72 of 2022 on the file of the Inspector of Police, Grand Bazar Police Station, Puducherry.



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2. The allegations in the complaint is that the defacto complainant had been dubbed by this petitioner and other two accused in connivance with the staff of the bank to withdraw his money from his savings bank account by misusing ATM card, Passbook and Cheque book entrusted to A1 and A2.

3. According to the petitioner herein, he claims that he is only a Sales Manager in the IDFC bank and his role is to canvas the customer to open savings bank account. Except that he is not even a regular staff of the bank to provide seat or provision in the bank of hierarchy.

3. The learned Additional Public Prosecutor (Pondy) appearing for the respondent police submits that the contention of the petitioner is substantially endorsed by the bank staff who had been enquired further. Since A1 and A2 are absconding, to find out whether any meeting of mind of the absconding accused to commit the crime has to be ascertained for the said purpose.

4. The learned Additional Public Prosecutor (Pondy) submits



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that the absconding accused has to be secured. Every endeavour is taken to secure the absconding accused. From the reliable source, it is ascertained that A1 and A2 are abroad.

5. Considering the facts and circumstances of the case, this Court is of the view that the complaint against the petitioner cannot be quashed at this juncture. The petitioner has to wait till the end of the investigation and the Investigating Officer has to take steps to secure A1 & A2. The Investigating Officer can arrive at a conclusive decision about the role of the petitioner only after the conclusion of Investigation. If the petitioner can only be a witness and not an accused, suitable alteration report be filed and intimate to the petitioner.

6. With the above observation, this Criminal Original Petition is disposed of. Consequently, the connected Criminal Miscellaneous Petition is closed.

09.08.2024

Index : Yes/No
Neutral Citation : Yes/No
rpl

Dr.G.JAYACHANDRAN,J.



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rpl

WEB COPY To

1.The Inspector of Police,
Grand Bazar Police Station,
Puducherry.

2.The Public Prosecutor,
High Court of Madras,
Chennai.

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