



Crl.O.P.(MD)No.1858 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2024

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.(MD)No.1858 of 2022
and
Crl.M.P.(MD)No.1348 of 2022

Venkatesh

... Petitioner

Vs.

1.State through
The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
(Crime No.141 of 2021)

2.Soosai Manickam

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the proceedings of FIR in Crime No.141 of 2021 dated 05.03.2021 on the file of the first respondent insofar as the petitioner/A2 is concerned.

For Petitioners : Mr.K.Prabhu

For R1 : Mr.B.Nambiselvan,
Additional Public Prosecutor.



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ORDER

This Criminal Original Petition has been filed to quash the proceedings of FIR in Crime No.141 of 2021 dated 05.03.2021 on the file of the first respondent Police.

2.The case of the prosecution is that the second respondent is the Assistant General Manager of Indel Money Private Limited, which is involved in financial business by granting jewel loans and business loans in small scale. The first accused is the Branch Manager of the above said company in Tirunelveli Branch. On 19.02.2021, when the audit was conducted in the said branch and found that the third accused has pledged duplicate jewels on various dates and obtained Rs.15,00,268/-. On enquiry, A3 accepted the same and repaid a sum of Rs.3,34,000/- and yet to pay remaining a sum of Rs.11,68,000/-. Hence, the second respondent filed a complaint, based on which, a case in Cr.No.141 of 2021 was registered for the offence under Sections 408 and 420 IPC. Challenging the same, the present petition came to be filed.



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3.The learned counsel appearing for the petitioner submitted that the petitioner herein was appointed as Customer Relationship Officer on 19.09.2020 and his appointment was only for a period of six months and he was under probation. The third accused in this case pledged his jewels, only after 25 days of appointment of petitioner and the petitioner, being customer relationship officer, have no role to process the loan amount and there is no specific overt act as against the petitioner. Accordingly, he prayed to quash the impugned FIR.

4.The learned counsel appearing for the second respondent submitted that when the third accused in this case pledged fake jewels, except the petitioner, no other employees available in the Branch and he helped the third accused to get jewel loan of Rs.15,00,268/-. He further submitted that there are materials available to proceed with the case as against the petitioner herein and at the threshold, the criminal proceedings cannot be quashed. Accordingly, he prayed to dismiss the present petition.



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5.The learned Additional Public Prosecutor appearing for the first respondent Police vehemently opposed to quash the impugned FIR by stating that there are materials available as against the petitioner herein.

6.On a reading of the FIR, there appears to be some materials for the investigation to proceed. During the course of investigation, if it is found that the de-facto complainant has deliberately roped in the petitioners, it is needless to state that action against them should be dropped. Interfering with the investigation, which is at an infancy stage under Section 482 of the Code of Criminal Procedure, will be against the law laid down by the Supreme Court in *State of Haryana and others vs. Bhajan Lal and others* reported in *1992 Supp (1) SCC 335*. The first respondent police is directed to bear in mind the tendency of such complainants to rope in all and sundry, falsely only to harass them and cautiously proceed with the investigation, so that innocents are not subjected to humiliation.



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7.In the result, this criminal original petition is dismissed.

Consequently, connected miscellaneous petition is closed.

31.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI,J.

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