



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2024

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THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.3168 of 2024

and

Crl.M.P.(MD)No.2528 of 2024

Kamalakannan

... Petitioner/Sole Accused

Vs.

1.State Represented by
The Inspector of Police,
CCD-III Police Station,
Madurai.
Crime No.17 of 2023

2.The Branch Manager,
State Bank of India,
Madurai Kamarajar University Branch,
Madurai.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records of the case in Crime No.17 of 2023 dated 30.05.2023 on the file of the first respondent police and quash the same asfar as the petitioner is concerned.

For Petitioner	: M/s.D.Saranya
For R1	: Mr.P.Kottaichamy
	Government Advocate (Crl. Side)

ORDER

The petitioner, an accused in Crime No.17 of 2023, has filed this application to quash the FIR pending against him.



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2.The case of the prosecution is that the defacto complainant is working as a Branch Manager of State Bank of India, Kamarajar University Branch, Madurai and the petitioner was working as a Credit Card Agent on a contract basis in the said bank. The allegation against the petitioner is that he misappropriated the bank amount to the tune of Rs.9,900/-. Hence, the case.

3.The learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and only after getting permission from the victim, he transferred the money to his account and subsequently, the same was also returned to the victim. He further submits that though the alleged date of occurrence is 04.01.2023, the FIR was registered only on 30.05.2023. Hence, the offence under Section 66D of IT Act, 2012 would not attract as against the petitioner. Therefore, she prays to quash the FIR.

4.The grounds raised by this petitioner can very well be considered by the investigating officer during the course of investigation. The FIR is nothing but registering the complaint in the register of the Police. The purpose of investigation is to find out truth whether the complaint is genuine or not. The investigating officer is expected to conduct the



investigation in a fair manner by considering the evidence produced by the defacto complainant and the accused. The grounds raised by this petitioner herein can very well be appreciated by the investigating officer during the course of investigation.

5.The motto of the government in its emblem is Truth Alone Triumphs and therefore, it is the responsibility of every government servant including the investigating officer to discharge their duty as expected by the government and to ensure Truth alone Triumphs.

6.Therefore, this petition is disposed of with a direction to the investigating officer to conduct the investigation by considering the points raised in this application, during the course of investigation and shall conclude the investigation within a period of two months either by filing final report or with a closure report. Consequently, connected miscellaneous petition is closed.

03.04.2024

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

1. The Inspector of Police,
CCD-III Police Station,
Madurai.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P.(MD)No.3168 of 2024



B.PUGALENDHI, J.

sj1

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