



Crl.O.P.(MD)No.16485 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:12.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

Crl.O.P.(MD) No.16485 of 2022

and

Crl.M.P.(MD).No.10973 of 2022

Jeya Mani

... Petitioner

Vs.

1.State represented by
The Inspector of Police,
CCIW Police Station,
Theni District.
(Crime No.3 of 2021)

2.Muthu Kumar,
The Deputy Registrar of Co-operative Societies,
Periyakulam Region,
Theni District.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the entire records relating to impugned FIR in Crime No.3 of 2021 on the file of the first respondent Police and quash the same insofar as the petitioner is concerned.

For petitioner

: Mr.M.S.Jeyakarthik

For R-1

: Mr.B.Nambiselvan,
Additional Public Prosecutor



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ORDER

This petition has been filed seeking to quash the proceedings in Crime No.3 of 2021 on the file of the first respondent Police, insofar as the petitioner is concerned.

2. The case of the prosecution is that the petitioner was working as a Clerk in M.P.93 Mayiladumparai Primary Agricultural Co-operative Credit Society. It is alleged that the petitioner along with other other accused persons have misappropriated a sum of Rs.91,21,775/- of the above said Society. Hence, the second respondent, who is the Deputy Registrar of Co-operative Societies, has given a complaint before the first respondent Police and the same was registered in Crime No.3 of 2021 for the alleged offence punishable under Sections 408, 409, 468, 471, 477A, 120B and 34 IPC. Challenging the same, the present petition has been filed.

3. The learned counsel appearing for the petitioner would submit that the respondent Police has included the petitioner's name in the FIR without considering the real fact. He would further submit that there is no specific overtact against the petitioner



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4. The learned Additional Public Prosecutor appearing for the first respondent Police would submit 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 and hence, he would pray to dismiss the present petition.

5. On a reading of FIR, there appears to be some materials for the investigation to proceed. 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*.

6. Accordingly, this Criminal Original Petition stands dismissed. Consequently, connected miscellaneous petition is closed. However, the first respondent Police is directed to conclude investigation in Crime No.3 of 2021 within a period of four weeks from the date of receipt of a copy of this order.

12.03.2024

Index : Yes/No
Internet : Yes/No
TSG



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M.DHANDAPANI. J.

TSG

To

1.The Inspector of Police,
CCIW Police Station,
Theni District.
(Crime No.3 of 2021)

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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