



Crl.O.P.(MD)No.21526 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **22.03.2024**

CORAM:

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

Crl.O.P.(MD) No.21526 of 2022
and Crl.M.P(MD).No.15156 of 2022

Amirtha Pandiyan

... Petitioner

Vs.

1.The Inspector of Police,
District Crime Branch,
Thanjavur.
Crime No.28 of 2022.

2.R.Panneerselvam

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the impugned FIR in Crime No.28 of 2022 pending as against the petitioner on the file of the first respondent Police and quash the same.

For petitioner

: Mr.S.Venkatesan

For R-1

: Mr.S.Manikandan,
Government Advocate
(Criminal Side)

For R2

: Mr.S.Chandrasekar



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ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.28 of 2022 for the alleged offence punishable under Sections 408, 464, 467, 468, 471, 477A and 420 IPC, on the file of the first respondent Police.

2. The case of the prosecution is that in Thanjavur District, 1000 farmers joined together and formed a Firm in the name and style of Cauvery Delta Agro Produced Company Limited with Board of Directors consisting of 15 Directors and each member contributed from Rs.1,000/- to Rs.1,00,000/- as member's subscription and fixed deposit. The total amount of subscription and fixed deposit was Rs.64,70,000/- which was the capital amount of the said Company. Thereafter, Delta Marta Sales Centre was formed and out of the said amount, Rs.5,00,000/- was given as advance amount for the Delta Mart Sales Centre and Rs.25,00,000/- was spent for the construction of infrastructure of the said Centre and the said Centre was started with the balance amount of Rs.34,70,000/- as current capital amount. The petitioner was nominated as the Executive Director of the said Centre through the resolution passed by the Executive Meeting to run the entire Management from 12.06.2015. While so, on 23.02.2017, during the monthly meeting, the



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petitioner submitted that current capital amount of Rs.34,70,000/- was not sufficient to run the Management. Hence, the stock verification and the auditing were done by the Managing Director and the Auditor, which revealed that the stock worth about Rs.4,00,000/- only was available and they found that one Arumugam belonging to Pudukkottai, who was the Manager appointed by the petitioner, misappropriated the amount for a sum of Rs.4,17,000/- and the petitioner also misappropriated the amount to the tune of Rs.39,56,126/- by maintaining false account and creating fake vouchers. Thereafter, Executive Meeting was convened and the accounts were produced and the petitioner was asked for explanation. He admitted to pay the loss amount occurred during the period from 01.06.2016 to 31.01.2017 and agreed to pay the loss amount within 15 days. In order to escape from the same, he gave his resignation letter dated 24.06.2018 without paying the amount. Hence, the defacto complainant being the Managing Director of Delta Mart lodged the complaint before the first respondent Police, based on which, a case in Crime No.28 of 2022 was registered for the offence punishable under Sections 408, 464, 467, 468, 471, 477A and 420 IPC. Hence, the complaint.

3. The learned counsel appearing for the petitioner would

<https://www.mhc.tn.gov.in/judis>

submit that the petitioner has also made a complaint against the Secretary



of the Company. Hence, without going into the merits of the case, this Court may issue a direction to the first respondent police to complete the investigation in Crime No.28 of 2022 and in the complaint made by the petitioner against the Secretary of the Company, within a stipulated period by providing opportunity to the petitioner and may permit the petitioner to produce all the documents before the first respondent Police in order to disprove the complaint preferred by the second respondent.

4. The learned Government Advocate (Criminal Side) appearing for the first respondent Police would submit that the investigation in this case will be completed within a period of 12 weeks.

5. In view of the submission made by the learned counsel appearing for the petitioner, this Court, without going into the merits of the case, directs the first respondent Police to conclude the investigation in Crime No.28 of 2022 and in the complaint preferred by the petitioner, within a period of 12 weeks from the date of receipt of a copy of this order, after providing opportunity to both parties. The petitioner is at liberty to produce all documents before the respondent Police for disproving the complaint made by the second respondent. If the petitioner disproves the complaint made by the second respondent, the

first respondent Police may close the complaint as further action dropped



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and otherwise, the first respondent Police is at liberty to proceed in accordance with law.

6. Accordingly, this Criminal Original Petition is disposed of.

Connected miscellaneous petition is closed.

22.03.2024

Index : Yes/No
Internet : Yes/No
ssb

To

- 1.The Inspector of Police,
District Crime Branch,
Thanjavur.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI. J.

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