



Crl.O.P.Nos.26821 & 26827 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2025

CORAM:

THE HON'BLE MR.JUSTICE N. SATHISH KUMAR

Crl.O.P.Nos.26821 & 26827 of 2025
and Crl.M.P.Nos.18254, 18256, 26827 & 18260 of 2023

1.K.A.Sampath Rajan
2.Shanmugam
3.K.Thangavelu
4.A.John

... Petitioners in Crl.O.P.No.26821 of 2025

1.K.A.Sampath Rajan
2.Shanmugam
3.K.Thangavelu
4.Nesamani Bose
5.A.John

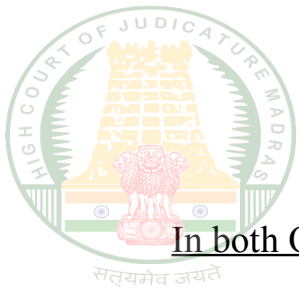
... Petitioners in Crl.O.P.No.26821 of 2025
Versus

1.State, represented by
The Inspector of Police
Economic Offence Wing
Vellore, Vellore District
Crime No.3 of 2024

2.The Deputy Registrar
Housing Board
Office at No.873, 1st Floor
Kangayanallore Road
Pallavan Bank
Vellore District

... Respondents in both OPs

Common Prayer: Criminal Original Petitions are filed under Section 528 of BNSS, 2023, to call for the records in respect of C.C.Nos.728 and 729 of 2025 respectively on the file of the learned Judicial Magistrate-II, Vellore and quash the same.



Crl.O.P.Nos.26821 & 26827 of 2025

In both OPs

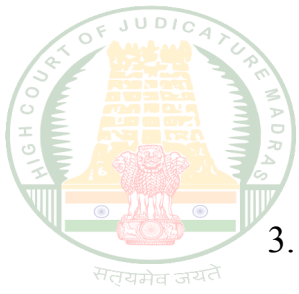
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For Petitioners : M/s.R.T.Sundhari
For Respondents : Mr.R.Vinothraja for R1
Government Advocate (Crl.Side)

COMMON ORDER

The Criminal Original Petition has been filed seeking to quash the case pending in C.C.Nos.728 and 729 of 2025 respectively on the file of the learned Judicial Magistrate-II, Vellore and quash the same. Final reports in C.C.No.728 and 729 of 2025 filed under Sections 477A, 34 and 409 of IPC are sought to be quashed by the petitioners.

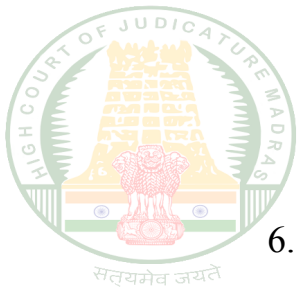
2. The crux of the allegations against the petitioner is that the petitioner being the ex-employee of the co-operative society have misappropriated the societies amount and also fabricated the records. It is the further allegations that without any permission, the lands of the society has been sold and registered for the lesser amount other than the actual market value. They received the extra sale consideration and thereafter, returned back only Rs.1,50,000/- to the buyer. Therefore, they have committed misappropriation.



3. The learned counsel for the petitioners would mainly submit that surcharge has not been proved as against the petitioner on the same set of allegations, therefore, criminal case cannot be maintainable. The Tribunal while setting aside the surcharge proceedings come to the conclusion that there is not document produced. Hence, seeks for quashment of the proceedings.

4. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) and perused the materials placed on record.

5. Now, specific allegations are made against the petitioners with regard to the misappropriation of the funds, several documents have been seized. Whether misappropriation as projected by the prosecution true or not is a matter of evidence and all these factual aspects cannot be decided in this petition and this Court cannot conduct roving enquiry or mini trial. In this regard, it is relevant to note that the Hon'ble Supreme Court in the case of *Gunmala Sales Private Limited Vs. Anu Mehta and others* reported in (2015) 1 SCC 103 has held that High Court cannot conduct a mini trial or roving enquiry in a 482 petition.



Crl.O.P.Nos.26821 & 26827 of 2025

6. Such view of the matter, at this stage, this Court is not inclined to quash the proceedings. At this stage, the learned counsel for the petitioners sought indulgence of the Court, to dispense with the personal appearance of the petitioner.

7. Accordingly, these Criminal Original Petitions are dismissed. In view of the submissions of the learned counsel for the petitioners and considering the age of the petitioners, the personal appearance of the petitioners are dispensed with except for receiving copies, for answering the charges, for questioning under section 313 Cr.P.C./351 BNSS, 2023 and any other dates fixed by the trial Court. Consequently, connected miscellaneous petitions are closed.

06.10.2025

dhk

Neutral Citation: Yes/No



Crl.O.P.Nos.26821 & 26827 of 2025

WEB COPY To

1.The Judicial Magistrate-II
Vellore

2.The Inspector of Police
Economic Offence Wing
Vellore, Vellore District

3.The Public Prosecutor,
High Court of Madras.



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Crl.O.P.Nos.26821 & 26827 of 2025

N. SATHISH KUMAR, J.

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Crl.O.P.Nos.26821 & 26827 of 2025

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