



CrI.O.P.(MD)No.12592 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.12592 of 2025
and
CrI.M.P.(MD)No.9783 of 2025

U.R.Dhavamani

... Petitioner

Vs.

1.The Inspector of Police,
CCIW Police Station, Thanjavur.
Crime No.1 of 2018

2.The Deputy Registrar,
(Non Credit), Wavoo Mansion,
48/39, 4th Floor, Rajaji Road,
Chennai-1.

... Respondents

Prayer : Criminal Original Petition filed under Section 528 BNSS, to call for the records pertaining to the proceedings in Cr.No.1 of 2018 on the file of the respondent police and quash the same.

For Petitioner

: Mr.T.Selvan

For R1

: Mr.P.Kottai Chamy,
Government Advocate(CrI.side)



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ORDER

The petitioner, who is A1 in Cr.No.1 of 2018 on the file of the first respondent Police, has filed this petition to quash the said proceedings.

2.The learned counsel appearing for the petitioner submits that the case in Cr.No.1 of 2018 itself has been registered pursuant to an enquiry conducted under Section 81 of the Tamil Nadu Co-operative Societies Act. In fact, the petitioner has filed a petition before this Court challenging the report of the said enquiry and this Court has also granted an order of interim stay. Since the basic document has been stayed by this Court, the respondent Police is not supposed to proceed with the consequential complaint lodged by the second respondent.

3.This Court has considered the submissions made by the learned counsel appearing for the petitioner.

4.In the event, if the Section 81 enquiry report has been stayed on a technical ground, that is a matter, which has to be decided in the writ



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petition. The criminal case in Cr.No.1 of 2018 has been registered on the WEB.COM complaint of the second respondent for the allegation of misappropriation. It is also at the stage of investigation. The investigating agency has to independently conduct the investigation, without relying on the Section 81 enquiry report and they have to find out as to whether any misappropriation has been committed. The investigation is a separate process and it can never rest upon the Section 81 enquiry report. Obtaining stay order on the Section 81 enquiry itself would not absolve the criminal liability of the petitioner.

5. Therefore, this Court is not inclined to entertain this petition at this stage. The grounds raised by the petitioner can be appreciated only during investigation. In the event, if any final report is filed, the petitioner is at liberty to challenge the same. Accordingly, this criminal original petition is closed. Consequently, connected miscellaneous petition is closed.

25.07.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes
gns

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



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



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B.PUGALENDHI,J

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