

Crl.O.P.(MD)Nos.13580 & 13584 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)Nos.13580 & 13584 of 2025

and

Crl.M.P.(MD)Nos.10815, 10816, 10818 & 10819 of 2025

P.Ponnusamy

... Petitioner in both Crl.OPs.

Vs.

1.The Inspector of Police,
Commercial Crimes Investigation Wing,
Virudhunagar.
(Crime No.1/2014)

2.R.Lakshmanakumar

... Respondents in both Crl.OPs.

Common Prayer : Criminal Original Petitions filed under Section 528 BNSS, to call for the records pursuant to the proceedings in CC.Nos.102 & 103 of 2016 on the file of the Judicial Magistrate Court No.II, Virudhunagar and quash the same so far as the charges against the petitioner is concerned.

For Petitioner
(In both Crl.OPs.)

: M/s.Porkodi Karnan
for M/s.Polex Legal Solutions



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Crl.O.P.(MD)Nos.13580 & 13584 of 2025

For R1
(In both Crl.OPs.)

: Mr.A.S.Abul Kalaam Azad,
Government Advocate(Crl.side)

COMMON ORDER

The petitioner, who is accused in CC.Nos.102 & 103 of 2016 on the file of the Judicial Magistrate Court No.II, Virudhunagar, has filed these petitions to quash the said proceedings.

2.The prosecution case is that the accused, who were employed at Virudhunagar District Central Co-operative Bank, Srivilliputhur Branch, created accounts in the name of fictitious persons and misappropriated a sum of Rs.37,87,500/-. Hence, based on the complaint given by the Joint Registrar, Co-operative Societies, a case has been registered and after completion of investigation, final report has also been filed.

3.The learned counsel appearing for the petitioner submits that the occurrence said to have taken place on 01.04.2006 and the petitioner was working from 01.10.2010 to 20.01.2011. Even during the said periods,



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he has been posted to various Branches and he was not working in the second respondent Bank. Further, he submits that an enquiry under Section 81 of the Tamilnadu Co-operatives Societies Act, 1983 has been conducted and the enquiry officer filed a report exonerating the petitioner from, all the charges levelled as against the petitioner. However, without considering the same, the respondent Police has mechanically filed the final report. According to the learned counsel for the petitioner, on the date of allegation, the petitioner was not present in the second respondent Bank and he was deputed to some other Bank.

4.The learned Government Advocate(Crl.side) appearing for the first respondent submits that the petitioner is arrayed as A4 in both cases. The petitioner has filled and signed in the fictitious names in a withdrawal slip No.137612 dated 24.01.2011. The said withdrawal slip was recovered and has been verified through forensic department and they have found that handwriting found in the slip is that of the petitioner. Apart from this slip, the petitioner has also filled another slip and therefore, based on these materials the respondent Police has filed the final report as against the petitioner.

5.This Court has considered the submissions made on either side



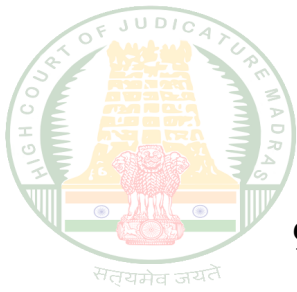
and perused the available materials.

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6.The occurrence was taken place from 2006 to 2011. The petitioner has entered service in the second respondent Bank only in January, 2011 and he served only for seven months. According to the petitioner, he was a Trainee and he was deputed to different Branches. On 24.01.2011, the petitioner was on duty in some other Branch. However, the respondent Police filed the final report by relying upon the report of the Forensic Department.

7.This Court is of the view that the contention of the petitioner can be appreciated only during trial and therefore, this Court is not inclined to entertain this petition based on the grounds raised in these petitions.

8.At this juncture, the learned counsel for the petitioner insisted for dispensing the personal appearance of the petitioner before the trial Court. The petitioner can very well file an application under Section 228 BNSS before the trial Court by assigning the reasons and it is for the trial Court to decide the same.



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9. Accordingly, these criminal original petitions are closed with liberty to raise all the grounds before the trial Court. Consequently, connected miscellaneous petitions are also closed.

14.08.2025

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

1. The Judicial Magistrate Court No.II,
Virudhunagar.
2. The Inspector of Police,
Commercial Crimes Investigation Wing,
Virudhunagar.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)Nos.13580 & 13584 of 2025

B.PUGALENDHI,J

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13584 of 2025

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