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CRL OP No. 8028 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2026

CORAM

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

Crl.O.P.Nos. 8028, 8031 & 8033 of 2023

and

Crl.O.P.Nos.26137, 26140, 26153, 26156, 26174 & 26175 of 2019

and

Crl.M.P.Nos.5077 to 5079, 5081, 5085, 5086 of 2023 and Crl.M.P.Nos. 13934, 13935, 13937, 13938, 13949, 13950, 13951, 13952, 13972, 13974, 13975 & 13976 of 2019

K.Balakrishnan

..Petitioner

Vs

1. The State Rep by
Inspector of Police
CCIW, Nagapattinam,
Nagapattinam District.
Crime No. 4/2016

2. The Deputy Registrar of Cooperative Societies
Nagapattinam Circle,
Nagapattinam.
District

..Respondents

CRL OP No. 8033 of 2023

1. K.Govindarajan
2. P.Abdul Salam



CRL OP No. 8028 of 2023

3. N.Senthilvelan

4. N.Pakkirisamy

..Petitioners

Vs

1. The State Rep By
Inspector of Police
CCIW, Nagapattinam, Nagapattinam District
Crime No. 4/2016
2. The Deputy Registrar of Cooperative Societies
Nagapattinam Circle, Nagapattinam.
District

..Respondents

CRL OP No. 8031 of 2023

A.Ganesan

..Petitioner

Vs

1. The State Rep By
Inspector of Police
CCIW, Nagapattinam,
Nagapattinam District
Crime No. 4/2016
2. The Deputy Registrar of Cooperative Societies
Nagapattinam Circle,
Nagapattinam.
District

..Respondents

Crl.O.P.Nos.26137, 26140, 26153, 26156, 26174 & 26175 of 2019

M.Janaki

..Petitioner



CRL OP No. 8028 of 2023

Vs

1. The State Rep. By
Inspector of Police
CCIW, Nagapattinam,
Nagapattinam District
Crime No. 4/2016
2. The Deputy Registrar of Co-operative Societies
Nagapattinam Circle, Nagapattinam.

..Respondents

COMMON PRAYER: Criminal Original Petitions filed under Section 482 Cr.P.C., to call for the records in C.C.Nos. 261 to 266 of 2018 on the file of the Judicial Magistrate No.II Nagapattinam, Nagapattinam District and quash the same.

In all Crl.O.Ps

For Petitioners: Mr. S.Kamadevan

For Respondents: Mr.A.Gopinath
Government Advocate (Crl.Side)

COMMON ORDER

These Criminal Original Petitions have been filed to quash the proceedings in C.C.Nos. 261 to 266 of 2018 on the file of the Judicial Magistrate No.II, Nagapattinam.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



3. Based on the complaint lodged by the second respondent, the first respondent registered an FIR in Crime No.4 of 2016 for the offences punishable under Sections 408, 409, 467, 468, 471, 477(A), 120(b) read with 34 of IPC alleging that the accused persons had misappropriated the society's fund.

4. The learned counsel appearing for the petitioners submitted that the second respondent ordered an enquiry to be conducted under Section 81 of the Tamil Nadu Co-operative Societies Act, as certain irregularities were alleged in the Z719, Thittacheri Primary Agricultural Co-operative Credit Society Ltd. Purakiramam, Nagapattinam. Thereafter, an enquiry was conducted under Section 81 of the Tamil Nadu Co-operative Societies Act and a report was submitted. Based on the said report, the second respondent lodged a complaint and also initiated surcharge proceedings.

5. On the complaint, the first respondent registered an FIR and after completion of investigation, filed a final report. The same has been taken cognizance by the Trial Court and prosecution was initiated against the accused. In the meantime, the said enquiry report was challenged by the petitioners herein in CMA Nos.10 and 11 of 2017 before the Co-operative Societies



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Appellate Tribunal (Principal Sessions Court), Nagapattinam. By Judgment dated 21.07.2022, the Tribunal set aside the enquiry report dated 17.06.2015. However, the Tribunal confirmed the order passed by the second respondent ordered an enquiry to be conducted under Section 81 of the Tamil Nadu Co-operative Societies Act. So far, no fresh enquiry was conducted under Section 81 of the Tamil Nadu Co-operative Societies Act .

6. That apart, pursuant to the enquiry report, surcharge proceedings were also initiated against the petitioners and the same were also set aside, since the basis for such proceedings, i.e., the enquiry report itself was set aside by the Tribunal. Therefore, the criminal prosecution initiated on the basis of the enquiry report submitted by the second respondent cannot be sustained and is liable to be quashed.

7. In view of the above, the proceedings in C.C.Nos. 261 to 266 of 2018 on the file of the Judicial Magistrate No.II, Nagapattinam, are hereby set aside. The second respondent is at liberty to conduct a fresh enquiry under Section 81 of the Tamil Nadu Co-operative Societies Act, after giving an opportunity of hearing to all the delinquents and proceed in accordance with law.



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8. In the result, these Criminal Original Petitions stand allowed.

Consequently, connected miscellaneous petitions are closed.

07-04-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

LPP

To

1.The Judicial Magistrate No.II,
Nagapattinam,Nagapattinam District

2.The Inspector of Police
CCIW,Nagapattinam,
Nagapattinam District.

3.The Deputy Registrar of Cooperative Societies,
Nagapattinam Circle,
Nagapattinam District.

4.The Public Prosecutor,
High Court of Madras,
Chennai.



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G.K.ILANTHIRAIYAN J.

LPP

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