

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 29-10-2015

CORAM:

THE HONOURABLE MR. JUSTICE A. SELVAM

Cr1.O.P.No.15702 of 2011

R. Venkatachalapathy @ R.V. Pathy

Petitioner

Vs.

State by
Dy. Supdt. of Police
SPE/CBI/ACB, Sashtri Bhavan
(FIR No.RC.10 & RC.11/A/94)
Chennai

Respondent

Criminal Original Petition filed Under Section 482 of Cr.Proc. Code seeking to quash the case in C.C.No.26 of 2005 on the file of the XI Addl. Sessions Judge, (Special Judge for CBI cases) Singaravelar Maaligai, Chennai, insofar as the petitioner/accused-3 is concerned.

For petitioner :: Mr. E.I. Ayyappan

For respondent :: Mr. K. Srinivasan, Spl.PP. for CBI cases

ORDER

This criminal original petition has been filed under Section 482, Cr.P.C., praying to call for records relating to Calendar Case No.26 of 2005 pending on the file of XI Additional Sub Judge (CBI cases) Singaravelar Maligai, Chennai and quash the same.

2. It is averred in the petition that on the basis of the complaint, the respondent has conducted investigation and filed a final report on the file of the Court-below and the same has been taken on file in Calendar Case No.26 of 2005 under Sections

120B read with Section 420 and also under Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. Further, it is averred in the petition that the petitioner has actually valued the properties, in question and he has not obtained any monetary gain. Under the said circumstances, the present petition has been filed for getting the relief sought therein.

3. The learned counsel appearing for the petitioner has contended that the First Information Report (FIR) has been registered in the year 1994 and a final report has been filed in the year 2005 and further, the petitioner as Valuer has properly valued the lands, in question and he has not done any infraction and he has been falsely implicated in C.C.No.26 of 2005 and therefore, the present petition has been filed in getting the relief sought therein.

4. The learned Special Public Prosecutor has contended that the second accused during the relevant period has done real estate business and he mortgaged the properties standing in the names of his sister as well as servant maid for getting loan from the concerned Bank and the present petitioner without inspecting the lands, in question has given exaggerated value of the properties and on that basis, loan has been advanced to the second accused and therefore, sufficient materials are available so as to proceed further against the petitioner. Under the said circumstances, the present petition deserves to be dismissed.

5. On the basis of the divergent contentions raised on either side, the Court can easily deduce that the present petitioner has acted as Valuer in the concerned Bank. The second accused during the relevant period has done real estate business and he obtained loan by way of mortgaging the properties standing in the names of his servant maid as well as his sister. The present petitioner has been directed to value the properties, in question. But he has given exaggerated value even without inspecting the properties.

6. Considering the fact that the petitioner being Valuer is said to have given exaggerated value of the properties, in question. This Court is of the view that sufficient materials are available so as to proceed against him further.

7. It is an admitted fact that the concerned FIR has been registered in the year 1994 and a final report has been filed in the year 2005. Simply because there is a delay in conducting

investigation, the relief sought in the petition cannot be granted, since sufficient materials are available against the petitioner to proceed further. Therefore, viewing from any angle, the present petition deserves to be dismissed.

In fine, this petition is dismissed. The connected M.P.Nos.1 and 2 of 2011 are also dismissed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

1.The XI Addl. Sessions Judge,
(Special Judge for CBI cases)
Singaravelar Maaligai, Chennai

2.The Deputy superintendent of Police,
sPE/CBI/ACB, Shastri Bhavan,
(Fir No.RC 10 & RC 11/a/94),
Chennai.

3.The Public Prosecutor,
High Court Madras.

Cr1.O.P.No.15702 of 2011

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srg 4/11/2015

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