

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.10.2015
DELIVERED ON : 14.10.2015

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.No.24428 of 2015
and
M.P.No.1 of 2015

K.V.Suresh

... Petitioner

Vs

1.The State rep by Inspector of Police
District Crime Branch
Vellore District
Crime No.3/2015

2.The Superintendent of Police
Office of District Superintendent
Vellore District.

3.The Commissioner In-charge
Vaniambadi Municipality
Vellore District.

... Respondents

Prayer:- Criminal Original Petitions filed under Section 482 Cr.P.C. to call for the records pertaining to FIR registered in Cr.No.3 of 2015 on the file of the respondent police and quash the same.

For Petitioner : Mr.V.M.G.Ramakkannan

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

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O R D E R

This petition has been filed to call for the records pertaining to FIR registered in Cr.No.3 of 2015 on the file of the respondent police and quash the same.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On a complaint lodged by the Commissioner [In-charge] of Vaniambadi Municipality, the respondent police have registered a case in Cr.No.3 of 2015 for offences under Sections 467, 468, 471, 477(A), 420 and 120(B) IPC against one Guru Srinivasan [A1], Muralikanthan [A2] and Suresh [A3], challenging which Suresh [A3] is before this Court.

4. It is the case of the prosecution that Suresh [A3] the petitioner herein, was working as Manager in the Vaniambadi Municipality and that Guru Srinivasan [A1] was working as Junior Assistant and Muralikanthan [A2] was working as Assistant-cum-Accountant and that they had siphoned Rs.2.48 crores by making unauthorised payments to some private Companies without the consent of the Commissioner of the Municipality.

5. Learned counsel for the petitioner submitted that Suresh [A3] joined the Municipality only in the year 2011 and that the FIR does not speak about his involvement in the offence. In cases of this nature, where Municipality funds are siphoned, the offences will come to light only during audit and accordingly, the Commissioner In-charge conducted audit of accounts and found that a sum of Rs.2,05,55,000/- has been unauthorisedly paid from 23.04.2014 to 09.05.2014 to various private persons without the knowledge and consent of the Commissioner of Municipality. After getting approval from the Government, FIR has been lodged in this case and investigation is pending. Admittedly, from 23.04.2014 to 09.05.2014, this petitioner was working as Manager in the Municipality and therefore, he cannot plead that he was totally ignorant of what was happening in the Office. In the complaint given by the Commissioner In-charge, he has stated that all the three accused were responsible for maintenance of accounts. In the teeth of such specific allegation, the FIR cannot be quashed in view of the law laid down by the Supreme Court in State of Haryana vs. Bhajan Lal [AIR 1992 SC 604].

In the result, this petition is devoid of merits and the same is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Inspector of Police
District Crime Branch
Vellore District
Crime No.3/2015

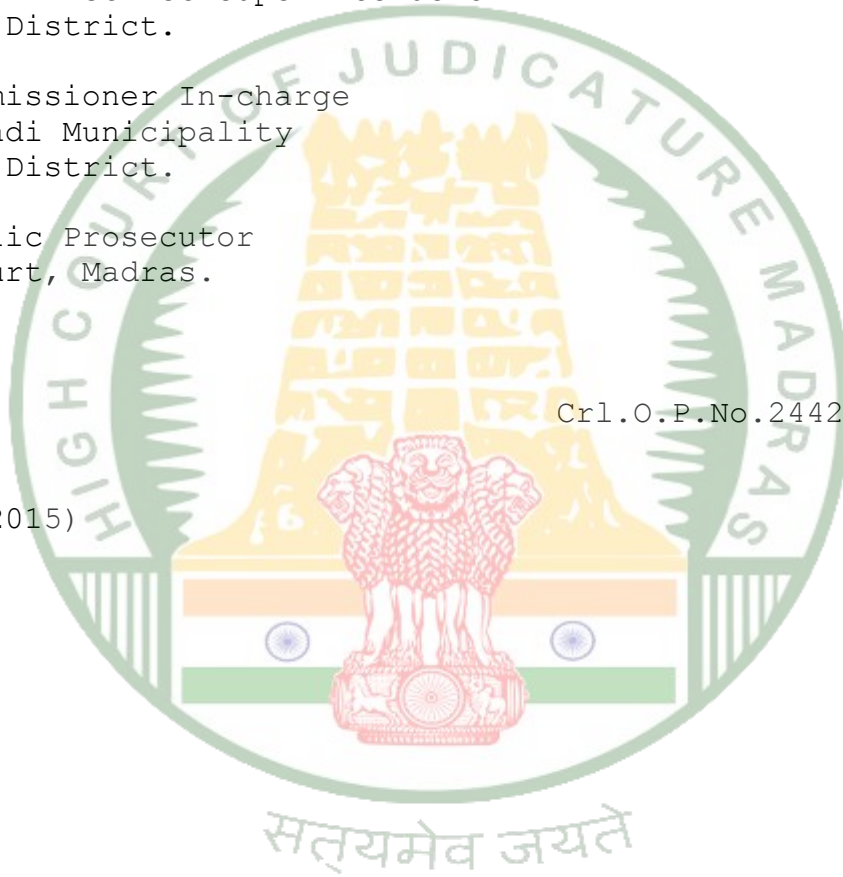
2.The Superintendent of Police
Office of District Superintendent
Vellore District.

3.The Commissioner In-charge
Vaniambadi Municipality
Vellore District.

4.The Public Prosecutor
High Court, Madras.

Cr1.O.P.No.24428 of 2015

PPA(CO)
CA(29/10/2015)



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