

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.18483 of 2012
& M.P.No.1 of 2012

Ramachandran

... Petitioner/Accused-4

Vs

1. State, represented by
The Inspector of Police,
Race Course Police Station,
Coimbatore.
2. The Inspector of Police,
Vallam Police Station,
Vallam Post, Thanjavur District ... Respondents 1 & 2/
Complainant.
3. Sathyaraj ... Respondents/Defacto
Complainant.

Criminal Original Petition filed under Section 482
Cr.P.C. to quash the proceedings in FIR Crime No.197 of 2012 on
the file of the second respondent which is transferred to the
first respondent as far as this petitioner is concerned.

For Petitioner : Mr.D.Veerasekaran

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

सत्यमेव जयते
O R D E R

The present criminal original petition has been filed to
quash the proceedings in FIR Crime No.197 of 2012 on the file of
the second respondent which is transferred to the first
respondent as far as this petitioner is concerned.

2. The petitioner is the Vice Chancellor of the Periyar
Maniammai University. It is the case of the prosecution that
the defacto complainant one Sathyaraj, the 3rd respondent herein,
has lodged a complaint against the petitioner and three
others before the 2nd respondent for the offence under sections
420 and 406 of IPC alleging that the 1st accused was running a
company viz., Sixo Online Software Solution Pvt. Ltd., and

during the months of February, March and April, 2011, the said company conducted campus interview at Periyar Maniammai University for the purpose of recruiting candidates in and around Thanjavur District. The defacto complainant was one among the 33 candidates that were selected by the accused 1 and 2. The accused company collected Rs.50,000/- for the expenses of Visa, Passport stating that they would be given a training at Coimbatore for three months, during which period, they will disburse salary for trainees. But, during the training period, the trainees could not get proper salary from the 1st accused company. It was found that the 1st and 2nd accused absconded in the month of July 2011, hence they made a representation to the College Administration, who intturn, informed that there was no connection with the above said concern. Later, it came to know that one Liyagath Ali, Managing Director and Raju, H.R. of the said company along with the 3rd accused and this petitioner were alleged to have collected money from 33 persons and misappropriated the same. The complaint lodged by the defacto complainant was registered as Crime No.197 of 2012 on the file of the 2nd respondent.

3. Learned counsel for the petitioner contended that the petitioner is a Vice Chancellor of Periyar Maniammai University and the allegation was made against the petitioner by the defacto complainant in order to defame the reputation of petitioner. During the course of investigation, the defacto complainant has not substantiated the allegation before the 2nd respondent. The said complaint is purposely motivated against the petitioner, who is the Vice Chancellor of the said University. The Registrar of the said University is the administrative head of the day to day activities, but on the other hand, the petitioner has no direct involvement in the day to day activities.

4. He further submitted that during the investigation of 2nd respondent, it came to light that nearly 33 students deposited Rs.50,000/- each in company's account of Kerala directly. Several other complaint were also received by 1st respondent in crime No.1121 of 2011 and crime No.1392 of 2011 against A1 and A2 and others, the present complaint also transferred to the file of first respondent police. It is his further submission that so far as this petitioner is concerned, he has been falsely implicated in this Case and prayed for allowing of this Petition.

5. Learned Additional Public Prosecutor submitted that the investigation is still pending in this case.

6. In my considered opinion the scope of Section 482 Cr.P.C. to quash the first information report is very limited, since the investigation is not yet completed. Even assuming for a

moment, the petitioner who was a Vice Chancellor of a reputed University has been implicated in this case falsely, at this juncture, the prayer for quashing the FIR could not be considered, because at the FIR stage, this Court cannot conduct any roving enquiry. Hence, I am of the opinion that the present OP is a pre-mature one. Therefore this petition is dismissed, however, with a liberty to the petitioner to approach this Court after filing of a final report. The first respondent is directed to expedite the investigation and file a final report within a period of three months from the date of receipt of a copy of this order. Consequently, the connected M.P.No.1 of 2012 is closed.

msr

s/d-
Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Race Course Police Station,
Coimbatore.
2. The Inspector of Police,
Vallam Police Station,
Vallam Post, Thanjavur District
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.D.Veerasekaran, Advocate SR 68987

sv(co)
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सत्यमेव जयते

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