



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.06.2015

CORAM
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

Crl.O.P(MD)No.11657 of 2015

Solamalai

: Petitioner

-Vs-

1.The Superintendent of Police,
Madurai District.

2.The Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai District.

: Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the 2nd respondent herein to register the complaint sent by the petitioner, dated 11.06.2015 and take necessary action within the time stipulated by this court.

For Petitioner : Mr.Veera Kathiravan

For respondents : Mr.K.V.Rajarajan
Government Advocate
(Criminal side)

O R D E R

This petition has been filed under section 482 Cr.P.C, praying to direct the respondents 1 and 2 to register a case, on the basis of the petitioner's complaint, dated 11.06.2015.

2.Heard learned counsel for the petitioner and the learned Government Advocate (Criminal side) for the respondents.

3.The learned counsel for the petitioner submitted that the petitioner was working as Superintendent in the Public Relations Department in Madurai Kamaraj University and opted for voluntary retirement and got himself retired in the month of November 2014; that when the petitioner was working in the said University, one Krishnasamy was nominated as Head of the Department of Genetic Engineering on 30.06.2009 and thereafter, on 15.03.2013, he was appointed as the Head of Centre of Excellence in Bio Informatics and during the course of his tenure in various positions, he was indulged in drawing an excess salary to the tune of Rs.9,89,567/- claiming himself as a Professor, while he was working as a Lecturer in the relevant period of time and in this regard, various complaints were filed by the employees of the University against him and they are still pending. In the meantime, the petitioner has filed W.P.(MD)No.16340 of 2014 before this court, challenging the appointment of the said Krishnasamy as Senior Professor in the Bio-Technology Department at Madurai Kamaraj University and the same is pending for adjudication and now, it came to light that the said Krishnasamy has misappropriated a sum of Rs.1,50,00,000/- from the funds,

which were granted by the University Grants Commission to the University by creating and fabricating bills and vouchers towards purchase of various machineries etc.

4.The learned counsel further submitted that one Rajasekaran, who is working as Registrar of the Madurai Kamaraj University was hand in glove with the above said Krishnasamy for the illegal acts committed by him and now, it came to know that the said Krishnasamy has submitted a petition seeking for voluntary retirement with a view to escape from the clutches of law. In this regard, the petitioner has sent a representation to the respondents on 11.06.2015 stating the fraudulent acts and misappropriation committed the said Krishnasamy, but so far no action has been taken by the authorities. Hence, this petition.

5.The learned Government Advocate (Criminal side) submitted that based on the complaint given by the petitioner, dated 11.06.2015, petition enquiry is pending before the respondents police.

6.In view of the above, the 2nd respondent police is directed to conduct a preliminary enquiry, which shall not extend beyond a period of seven days from the date of receipt of a copy of this order, by following the judgement of the Hon'ble Supreme Court in *Lalita Kumari vs. Govt. of U.P. & others* [2013 (4) Crimes 243 (SC)]. In conducting the preliminary enquiry, they shall put the concerned parties upon notice. At the end thereof, if any cognizable offence is made out, they shall duly register a case. In the event of effecting closure of the case upon conducting a petition enquiry, a copy of the closure report shall be forwarded to the complainant.

7.The Criminal Original Petition is disposed of with the above direction.

Sd
ASST REGISTRAR (CO)

TRUE COPY

SUB ASST REGISTRAR

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To,

- 1.The Superintendent of Police, Madurai District.
- 2.The Inspector of Police,
Nagamalai Pudukottai Police Station, Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

1CC TO MR. VEERA KATHIRAVAN, ADV SR: 34739

DM 27 JULY 2015 - 2P 5C

Cr1.O.P. (MD) No.11657 of 2015
29.06.2015