



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.06.2015**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

WEB COPY

CRL.OP. (MD) No.3987 of 2014

R.Ganagaraj

: Petitioner

Vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Police,
Thoothukudi.

4.The Inspector of Police,
Kazhukumalai Police Station, Thoothukudi District.
[R-4 is suo motu impleaded as per order dated 24.03.2015
made in Crl.OP[MD].No.3987 of 2014].

: Respondents

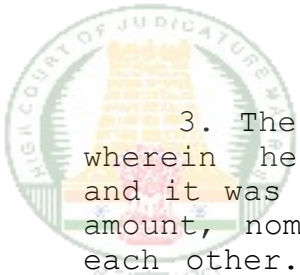
PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent to register a criminal case on the basis of the complaint of the petitioner dated 21.12.2013 and take action as per law.

For Petitioner : Mr.G.Bhaghavath Singh
For Respondents : Mr.C.Mayil Vahana Rajendran
Additional Public Prosecutor

O R D E R

The petitioner has come up with this Criminal Original Petition seeking a direction to the third respondent to register a case on his complaint dated 21.12.2013 and to investigate the same in accordance with law.

2. In the complaint, the petitioner has alleged that one Mr.A.Karuppasamy was the President of the local village Panchayat of Karadikulam Panchayat. During the financial year 2012 - 2013, according to the petitioner, under the Mahatma Gandhi National Rural Employment Guarantee scheme, a sum of Rs.29445/- was misappropriated by the President and others using the names of relatives and public servants. In other words, the allegation is that the details of the persons, who were given wages under the scheme during the relevant period, was hosted in the official website. A perusal of the same, according to the petitioner, would go to show that the names of many persons mentioned are persons either in Government Service or in foreign countries. Thus, by making false claim, a huge amount has been misappropriated.



3. The third respondent has filed a status report dated 26.02.2015, wherein he has stated that the allegations were thoroughly enquired into and it was ultimately found that there was no malpractise. The cash book amount, nominal muster roll, and the bank passbook amount tallied with each other. It is further reported that wrong entries were made in the Website by mistake by a private agency. It is also brought to the notice of this Court that there was no misappropriation of funds.

4. But, the learned counsel for the petitioner would submit that on 22.10.2014, the Panchayat President Mr.A.Karuppasamy, his brother and others burnt the panchayat office only with a view to destroy the records and to save him from the criminal case. In this regard, the petitioner made a complaint. However, the above said persons were not apprehended.

5. I have considered the above submissions. As directed by the Hon'ble Supreme Court in **(Lalita Kumari -Vs-Government of U.P and others, reported in 2013 (4) MLJ (Cr1) 579 SC**, a preliminary enquiry has been held, which has revealed that there was no fraud or misappropriation committed either by the President or anybody else. I do not find any reason to disbelieve the said statement. It is also explained that it is true that in the official Website wrong entries were made. This has been enquired into thoroughly. The enquiry has revealed that a private agency, who was engaged to upload the details in the Website, has committed some errors in the same.

6. In view of the above, I do not find any reason to grant the relief as sought for by the petitioner and therefore, this Criminal Original Petition is dismissed.

NB

Sd/-

Assistant Registrar[Peer. Admn]

/True copy/

To

Sub Assistant Registrar

1.The District Collector, Thoothukudi District, Thoothukudi.

2.The Superintendent of Police, Thoothukudi District, Thoothukudi.

3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Police, Thoothukudi.

4.The Inspector of Police,
Kazhukumalai Police Station, Thoothukudi District.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 cc to Mr.G.Bhagavath Singh, Advocate SR.No.34466.

ORDER MADE IN
CRL.OP. (MD) No.3987 of 2014
Dated:26.06.2015

2P/7C

RPB 10.07.2015

<https://hcservices.ecourts.gov.in/hcservices/>