



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.06.2015
CORAM

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

WEB COPY Criminal Original Petition (MD) No. 6812 of 2015

K. Palaniappan

... Petitioner

Vs.

1. The District Collector,
Pudukottai, Pudukottai District.

2. The Director,
Department of Vigilance and Anticorruption,
NCB 21 to 28, P.S. Kumarasamy Raja Salai
Greenways road, Raja Annamalaipuram,
Chennai.

3. The Deputy Superintendent of Police,
Department of Vigilance and Anticorruption
Alangulam Housing Unit, Pudukottai.

4. The Inspector of Police,
Department of Vigilance and Anticorruption
Alangulam Housing Unit, Pudukottai.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the 2nd and 4th respondents to register a FIR against the proposed accused on the basis of the complaint preferred by the petitioner dated 04.11.2014.

For Petitioner

: Mr. D. Parishuthanathan

For Respondent

: Mr. C. Mayilvahan Rajendran

Additional Public Prosecutor

ORDER

The petitioner is a resident of Mangudi Village in Pudukottai District. He made a complaint to the respondents on 14.11.2014 alleging that the President and other officials of the said Village Panchayat have committed misappropriation of fund belonging to the Panchayat, which was earmarked under the Mahatma Gandhi National Rural Employment Guarantee Scheme. But no case was registered on the same by the respondent police. Therefore, seeking a direction to the fourth respondent to register a case on the said complaint and investigate the same, the petitioner has come up with this petition.

<https://hcservices.ecourts.gov.in/hcservices> I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent State and I have also perused the records carefully.



3. The complaint dated 14.11.2014 states that under the Mahatma Gandhi National Rural Employment Guarantee Scheme, employment was provided to the villagers for one week, for which, a muster roll was prepared and based on the muster roll, payments were made to the respective persons, who got the employment. The said muster roll has been put up for public view in the official web site. A copy of the same has been downloaded by the petitioner. A perusal of the hard copy, according to the petitioner, shows that several persons to whom payments have been made are either Government servants or working in private concerns and working in foreign countries etc. In effect, according to the petitioner, so far as 35 persons mentioned in the complaint are concerned, they did not work under the scheme and muster roll has been prepared as though they worked and they were paid huge amount. This, according to the petitioner, amounts to misappropriation.

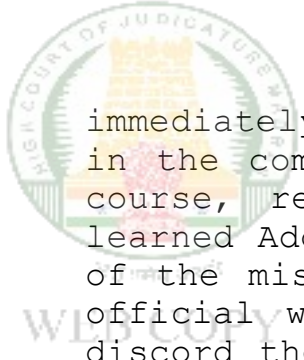
4. The learned Additional Public Prosecutor would vehemently oppose this petition. He is assisted by the Inspector of Police, Vigilance and Anticorruption, Pudukottai. According to him, on receipt of the complaint made by the petitioner, preliminary enquiry was held as directed by the Hon'ble Supreme Court in the case of *Lalita Kumari vs. Govt. of U.P. & Others (2013 (4) Crimes 243 (SC))*. During the preliminary enquiry, the original muster roll for the period between 13.07.2012 and 19.07.2012 was verified. The payments were also verified. Such verification revealed that the muster roll contains the names of those persons, who actually worked and had received the payment. The payment details as per the registers also tallied with the muster roll. Thus, according to him, no offence has been committed and more particularly, no misappropriation is occurred.

5. It is further submitted by the respondent police that however, the muster roll, which was hosted for public view in the official web-site contained lot of errors. It does not reflect the actual muster roll for the period between 13.07.2012 and 19.07.2012. During enquiry, it came to light that for hosting the details for public view, the matter was entrusted to a local call centre, who inadvertently, entered certain names from out of the family cards and put it for public view. The error committed by him, was later on, noticed. It is further submitted that however, payments were not made according to the details in the alleged muster roll put up for public view. He would further submit that now departmental action has been recommended against the official, who was responsible for the above mistake or error.

6. I have considered the above submissions.

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

7. I have the benefit of original muster roll produced before me for perusal (the same has been returned to the Inspector



immediately in the open Court). A comparison of the details given in the complaint made by the petitioner and the muster roll, of course, reflects certain variation. But it is stated by the learned Additional Public Prosecutor that the variation is because of the mistake or error committed while hosting the same in the official web-site for public view. I do not find any reason to discord the said statement. As per the preliminary enquiry held, it has come to light that no amount has been misappropriated and original muster roll contained the correct particulars. Merely because some error has occurred in the muster roll, which was put up for public view, it cannot be presumed that no offence has been committed. For the said mistake, rightly departmental action has been recommended. In those circumstances, since no offence has been made out warranting interference of this Court, the question of issuing direction to the 4th respondent to register a case does not arise. In view of the same, the petition deserves only dismissal.

8. In the result, the Criminal Original Petition fails and the same is, accordingly, dismissed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub-Assistant Registrar

To

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2. The Director,
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4. The Inspector of Police,
Department of Vigilance and Anticorruption
Alangulam Housing Unit, Pudukottai.
5. The Additional Public Prosecutor,
Madurai bench of Madras High Court, Madurai.

RR

RL/6 c- 24/6/2015

Order made in
Criminal Original Petition (MD) No. 6812 of 2015