



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE S. NAGAMUTHU

Cr1.O.P. (MD) No. 13840 of 2013

and

M.P. (MD) No. 1 of 2013

P. Sivamurugan : Petitioner/Petitioner/Accused No. 2
Vs.

1. The Inspector of Police,
Vigilance and Anti-corruption,
Sivagangai.
(Crime No. 9 of 2011) : Respondent/Complainant

2. Murugan : Respondent/
Defacto complainant

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure to call for the records pertaining to the case in C.C.No.5 of 2013, on the file of the Chief Judicial Magistrate/Special Judge, Sivagangai and quash the same.

For Petitioner : Mr. J. Jeyakumaran
For Respondents : Mr. C. Mayilvahan Rajendran
Additional Public Prosecutor
for R.1

ORDER

The petitioner, who is the accused in C.C.No.5 of 2013, on the file of the learned Chief Judicial Magistrate cum Special Judge under the Prevention of Corruption Act, Sivagangai, has been facing prosecution for the offences punishable under Sections 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988. Seeking to quash the said proceedings, the petitioner is now before this Court with this Criminal Original Petition.

2. I have heard the learned Counsel for the petitioner and the learned Additional Public Prosecutor and I have also perused the materials available on record.

3. This petition has been pending from the year 2013. When the matter was taken up today, the learned Additional Public Prosecutor submitted that during the pendency of this petition, the petitioner filed a petition for discharge before the lower Court in M.P.No.90 of 2014 and the same was dismissed on 30.04.2015. Therefore, the remedy for the petitioner is to work out against the order dismissing the petition for discharge. When the lower Court itself has framed the charges and dismissed the petition for discharge, giving a finding that there are *prima facie* materials to frame charges, there is no scope for this Court to quash the entire proceedings under Section 482 of the Code of Criminal Procedure Code. In view of the same, this Criminal Original Petition is dismissed, with liberty to the petitioner to work out his remedy



elsewhere against the order, dismissing his petition for discharge. Consequently, the connected Miscellaneous Petition is also dismissed.

Sd/-

Assistant Registrar

/True Copy/

WEB COPY

Sub Assistant Registrar

To

1 The Chief Judicial Magistrate/Special Judge,
Sivagangai.

2. The Inspector of Police,
Vigilance and Anti-corruption,
Sivagangai.

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

+1cc to Mr.J.Jeyakumaran, Advocate in SR.No.28309

Crl.O.P. (MD) No.13840 of 2013
and

M.P. (MD) No.1 of 2013
03.06.2015

ssl

PBK/PPS 11/06/2015 ::2P-5C::