

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 12.04.2016

CORAM

THE HON'BLE Dr.JUSTICE P.DEVADASS

Crl.O.P.No.25303 of 2015

K.Saravanakumar

.. Petitioner/ Accused 1

vs.

1. The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Crime No. 4/2015/AC/TPR
Tiruppur. ...1st Respondent/ Complainant
2. Arasakalai ...2nd Respondent/
Defacto Complainant

This Criminal Original Petition is filed under Section 482 Cr.P.C to call for the records relating to the F.I.R. In Crime No. 4/2015/AC/TPR dated 29.09.2015 on the file of the first respondent police and quash the same.

For petitioner : Mr.N.Manoharan
for Mr.B.Anand

For respondent : Mr.P.Govindarajan
Additional Public Prosecutor

ORDER

A1 in Crime No.4/2015/AC/TPR came forward to this Court under Section 482 Cr.P.C to quash the F.I.R so far as he is concerned.

2. The second respondent, viz., Arasakalai, Member of Udumalpet Municipal Council filed W.P.No.14344 of 2015 under Article 226 of the Constitution of India for a direction to enquire into the allegations made as against the Municipal Chairman (A2) and the Municipal Commissioner (A1) with regard to auctioning of certain shops belonging to the Udumalpet Municipality and also alleged commission of certain criminal misconduct by them for some pecuniary advantage and their alleged misuse of public funds in auctioning the shops.

3. On 27.08.2015 this Court issued direction to the respondent to look into the complaint and proceed further if any cognizable offence is disclosed.

4. In this connection, the respondent police registered F.I.R in Crime No.4/2015/AC/TPR as against A1 and A2. A1 is the petitioner herein.

5. Mr.Ravichandran, D.S.P. (V & AC), Tiruppur investigated this case. The Investigating Officer filed his counter.

6. The learned counsel for the petitioner submitted that petitioner is innocent. He is not concern with the allegations. The second respondent as cooked up a case against him. After investigation also says that there is nothing against the petitioner.

7. The learned Additional Public Prosecutor submitted that after collecting the evidence, analysing the same, the Investigating Officer concluded that there is no substantial material to substantiate the allegations levelled as against the petitioner.

8. I have anxiously considered the submissions of the learned counsel for the petitioner, learned Additional Public Prosecutor, perused the averments in the Petition and the counter filed by the Investigating Officer and the materials on record.

9. Section 482 Cr.P.C confers inherent power to this Court to do justice and to undo injustice. This could be seen from the language employed in Section 482 Cr.P.C. The Court can intervene to prevent abuse of process of any Court or otherwise to secure the ends of justice. When the material does not disclose any cognizable offence, proceeding further will be an instance of abuse of process of the Court.

10. Now in this case in the F.I.R in Crime No. 4/2015/AC/TPR, the petitioner/A1, who is the Municipal Commissioner, Udumalpet Municipal Council, has been included along with A2. We are confining ourselves only with reference to A1. The matter pertains to A1's alleged irregularity in auctioning of municipal shops to certain persons that he had derived some pecuniary advantage in connection with auctioning of the shops. The Investigating Officer collected materials. He has examined number of witnesses, recorded their statement and he has also collected lot of documents. He has verified them with reference to the allegations in the complaint lodged by the complainant/second respondent and concluded that there is no sufficient materials to substantiate the allegations levelled as against A1.

11. In such circumstances, proceeding further as against A1 would be an abuse of process of the Court. The materials collected do not disclose any cognizable offence alleged to have been committed by A1.

12. In view of the foregoing, this Criminal Original Petition succeeds. The F.I.R in Crime No. 4/2015/AC/TPR so far as A1, viz., the petitioner K.Saravanakumar is quashed.

13. Accordingly, this Criminal Original Petition is allowed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Inspector of Police,
Vigilance and Anti-Corruption Wing,
Crime No. 4/2015/AC/TPR
Tiruppur.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Wing,
Tiruppur.
3. The Public Prosecutor
High Court, Madras.

1 cc to Mr. B. Anand, Sr. 23546

1 cc to Public Prosecutor, Sr. 23169

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