

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:02.11.2016

Coram:

THE HON'BLE Mr.JUSTICE P.VELMURUGAN

Cr1.O.P.No.24155 of 2016

M.Shankar

..Petitioner/Accused

Vs.

1.State by Inspector of Police,
Vigilance and Anti Corruption
Mandaveli, Chennai - 600 028. ..1st Respondent/Complainant

2.R.Gunasekaran
..Respondent/Defacto Complainant

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for the records of the respondent police i.e., Inspector of Police, Vigilance and Anti Corruption, Chennai-600 028 and quash the FIR in the above case in Crime No.03/2016/AC/CC.I as against the petitioner.

For Appellant : M/s.M.Chandra Sekaran

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

J U D G M E N T

The Petitioner has filed the present Criminal Original Petition to call for the records of the first respondent police i.e., Inspector of Police, Vigilance and Anti Corruption, Chennai-600 028 and quash the FIR in Crime No.03/2016/AC/CC.I as against the petitioner.

2. The learned counsel for the petitioner would submit the petitioner was working as Depot Manager (Tax Collector) and it is alleged that a complaint was given by the 2nd respondent herein on 02.05.2016 against the petitioner before the respondent police stating that he was running a business under the name and style of R.R.Trading Company in Chennai dealing in purchase and sale of ready made Garments for the past five years in his residence itself i.e. at New No.1, Old No.51,

Alandur Road, Saidapet, Chennai - 600 015. It is a two storied building and in the ground floor, there are 2 ATM Centers and a Mess was let out for rental. He had obtained water connection to his premises under commercial category from CMWSS Board and has been paying the water charges to the Board regularly and also paying tax of Rs.537/- each on two occasions. It is further stated in the complaint, that the petitioner contacted the 2nd respondent herein over phone, informing him to come to his office in person with all relevant documents including Metro water card. It is further alleged that the petitioner is said to have informed the 2nd respondent herein that the water meter fixed in his premises was not running properly and the estimated value of the water charges has been assessed to a minimum charges all these years and therefore, he strictly asked him to pay excess amount accumulating to several years, in view of the defect in the water meter fixed in the house of the 2nd respondent herein. He further states that aggrieved over the same, the 2nd respondent herein had chosen to give a false complaint as if he demanded Rs.6,000/- (Rupees six thousand only) as bribe from the 2nd respondent for obliging him in not collecting excess amount. Based on the said complaint, the respondent police had registered the above case against the petitioner and the same is pending investigation on the file of the respondent police.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent and he has not committed any offence as alleged in the complaint and that consequent upon the false complaint, the petitioner was suspended from service from 04.05.2016 onwards. The learned counsel further submits that it is a clear case of victimization and out of motivation to wreck vengeance upon the petitioner as the petitioner had refused to oblige the 2nd respondent in levying charges for lesser amount in respect of the water charges. The learned counsel further submitted that the proceedings pending against the petitioner arising out of a false complaint given by the 2nd respondent herein to the 1st respondent in Crime No.03/2016/AC/CC.1 are illegal improper and liable to be quashed.

4. The learned counsel appearing for the Special Public Prosecutor submits that it is the duty of the petitioner to appear before the Investigation Officer as and when required for the interrogation. On the basis of the complaint, FIR has also been registered and the charge sheet has also been made ready and there is no ground made out in the affidavit for quashing the F.I.R. The 2nd respondent has never harassed the petitioner. In order to escape from the enquiry, he has falsely filed this petition.

5. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and also perused the materials available on record.

6. On perusal of the records, it is seen that there is no material to show that the petitioner was harassed by the Respondent police. Under the said circumstances, this Court is not inclined to allow the petition.

7. Considering the facts and circumstances of the case, the petition is liable to be dismissed. Accordingly, the present petition is dismissed. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS-III)

//True Copy//

Sub-Assistant Registrar

To

1. The Inspector of Police,
Vigilance and Anti Corruption,
Chennai-600 028.

2. The Public Prosecutor,
High Court, Madras

+2 Ccs to Mr. M. Chandrasekaran, Advocate sr 62000

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