

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

Crl.O.P No.29962 of 2011
and
M.P.Nos.1 and 2 of 2011

K.R.Rajan

... Petitioner

vs.

The State Rep. by Inspector of Police,
Arani Town Police Station,
Thiruvannamalai District.
(Crime No.383/2011)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., to call for records pending on the file of the learned Judicial Magistrate, Arani, Thiruvannamalai District in S.T.C.No.660 of 2011 and quash the Criminal proceeding.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.B.Ramesh Babu
Government Advocate (Crl.Side)

JUDGMENT

That the instant criminal original petition is filed by the petitioner / accused under section 482 of Cr.P.C. to quash the proceedings in S.T.C.No.660 of 2011 pending on the file of the Learned Judicial Magistrate, Arani.

2.It is the case of the prosecution that during the Assembly Election held during the year 2011, while the Special Quad conducting search in the house of the petitioner herein, the special quad Tahsildar of Arani seized a sum of Rs.2,16,500/- which was kept in the house of petitioner without any authorization and against the election rules. Hence the case was registered by the respondent police against the petitioner herein in Crime No.383 of 2011 on 08.04.11 for the offences under section 171(B) r/w 171(E) of IPC. Further, on completion

of investigation the respondent police filed the final report against the petitioner herein before the Learned Judicial Magistrate, Arani and the same was taken on file in S.T.C.No.660 of 2011. Challenging the same the present Criminal Original Petition is filed.

3.The learned counsel appearing for the petitioner contended that after seizure of amount from the petitioner an enquiry was conducted by the Assistant Commissioner of Income Tax, Camp Office at Thiruvannamalai and after satisfying the explanation offered by the petitioner herein recommended to release the amount of Rs.2,16,500/- which was seized from the petitioner by letter dated 16.04.2011 address to the District Election Officer / District Collector, Thiruvannamalai District. Thereafter the District Collector by proceedings dated 22.06.2011 passed order in favour of the petitioner that the seized amount Rs.2,16,500/- can be disbursed to the petitioner herein after obtaining surety Bond from him. The Learned Counsel for the petitioner by placing reliance on the above said two proceedings prayed this Court to quash the impugned final report laid against the petitioner herein.

4.Per contra, the Learned Government Advocate (Criminal Side) would submit that the impugned charge sheet cannot be quashed only on the strength of the above said two proceedings relied on by the petitioner and the same has to be tested in a Court of law. Hence the Learned Government Advocate argued that the charge sheet cannot be quashed at the threshold which required full fledged trial.

5.I heard Mr.E.Kannadasan, learned counsel for the petitioner and Mr.B.Ramesh Babu, learned Government Advocate (Criminal Side) for the respondent and perused the entire materials available on record.

6.The perusal of the above said two proceedings of the Income Tax Official and District Election Officer would clearly go to show that the amount seized from the petitioner herein during the Assembly Election of the year 2011 cannot be said that it is unaccounted money meant for election purpose. The Income Tax Officer has clearly rendered a finding that the explanation given by the petitioner is acceptable one and further the petitioner has paid Income Tax for the relevant period in which the said amount was accounted for. Therefore this Court by taking note of the above said proceedings of the District Election Officer and Income Tax Officer is of the

opinion that the impugned final report against the petitioner herein is without any basis and no prima facie is made out against the petitioner.

7.In view of the above, the petitioner need not face the ordeal of trial. Hence, I am inclined to quash the charge sheet laid against the petitioner and accordingly it is quashed.

8.In the result, this Criminal Original Petition is allowed and the proceedings in STC.No.660 of 2011 on the file of the Learned Judicial Magistrate, Arani is hereby quashed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Judicial Magistrate,
Arani.
- 2.The Inspector of Police,
Arani Town Police Station,
Thiruvannamalai.

+1cc to Mr.E.Kannadasan, Advocate sr.23975

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srg 09/01/2019