

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:01.08.2017

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

CRL.O.P.No.5378 of 2011

and

M.P.Nos.1 & 2 of 2011

1.R.Bernaude Murugappa
2.V.Satchinadanandan
3.M.Subbarayalu
4.A.Ramesh

... Petitioners

Vs .

State Rep. By
Sub-Inspector of Police,
Vigilance & Anti Corruption,
Puducherry.
(Cr.No.3 of 1993)

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure to call for the records in C.C.No.132 of 2008 on the file of the Chief Judicial Magistrate, Puducherry and quash the same.

For Petitioners : Mr.R.Karthikeyan

For Respondent : Mr.M.R.Thangavelu,
Additional Public Prosecutor,
Puducherry.

ORDER

Criminal Original Petition is filed to call for the records in C.C.No.132 of 2008 on the file of the Chief Judicial Magistrate, Puducherry and quash the same.

2. After enquiry, the respondent registered a case against these petitioners 1 to 4 who are arrayed as an accused A6, A8, A9 and A10 respectively and 7 others in FIR.No.3 of 2017 dated 16.07.1997 in P.S.:V.A.C/1997 in C.C.No.132 of 2008. After investigation, a charge sheet against all these petitioners and 7 others are filed u/s.420, 409,468,471,477A r/w. 34 IPC. After filing of the charge sheet, learned Chief Judicial Magistrate, Puducherry has taken on file in C.C.No.132 of 2008. This Criminal Original Petition has been filed to quash the proceedings against these petitioners on the ground that in the final report, no case is made out against them.

3. Learned counsel for the petitioners further submit that the period during which the petitioners worked in the said village Seliamedu for a short while but on the other hand, the charge sheet has been filed against all of them during the period which they were not in service. The period of offence is said to have taken place from 01.01.1990 to 31.12.1990. Except second petitioner/A8, other petitioners had not worked during the relevant period in the said village.

4. The learned Additional Public Prosecutor (Pondy) for the respondent would submit that there is allegation against these petitioners and the materials submitted along with the final report discloses prima facie

commission of offence against these petitioners.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor (Pondy) for the respondent.

6. On perusal of the final report filed u/s.173 Cr.P.C., and the documents annexed with the final report, this Court finds that prima facie case has been made out against these petitioners and there are enough incriminating materials available against these petitioners to proceed the case. The contention of the learned counsel for the petitioners are not acceptable. Therefore, there is no ground to quash the criminal case in C.C.No.132 of 2008.

In the result, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petitions are closed. The trial court is directed to proceed the case without any influence of the observation made by this court in this order.

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01.08.2017

(11/16)

Index : Yes/No
Speaking/Non-speaking Order
gv

P.VELMURUGAN.,J.
gv

To

1.The Inspector of Police,
Vigilance & Anti Corruption,
Puducherry.

2. The Chief Judicial Magistrate,
Chengalpet,

3. The Public Prosecutor,
High Court, Madras.
Chennai.

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and
M.P.Nos.1 & 2 of 2011



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(11/16)