

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 11.12.2017****CORAM****THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN****Crl.O.P.No.26900 of 2017**

K.Prem Kumar
Junior Engineer (Planning) (under suspension)
Erode City Municipal Corporation.
Residing at
No.162, Chithambaram Colony,
1st Street, near 80 ft. Road,
Periyar Nagar, Erode. ... Petitioner

Vs.

State Rep., by
The Inspector of Police,
V & AC Department Erode Detachment,
Erode - 638 003. ... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records concerned with FIR No.06/AC/2016 dated 30.11.2016 on the file of the respondent police now pending before the Court of Chief Judicial Magistrate/Special Judge, Erode and quash the same.

For Petitioner : Mr.P.B.Suresh Babu

For Respondent : Mr.P.Govindarajan
Additional Public Prosecutor

ORDER

This petition is filed under Section 482 Cr.P.C., to quash the First Information Report dated 30.11.2016, on the file of the respondent/police.

2. The brief facts of the case involved in this petition is that,

on 30.11.2016, pursuant to the complaint given by one A.Nallasamy, a trap laid by the respondent/police and after receiving the pre arranged signal from the defacto complainant, accosted the petitioner herein who is a Junior Engineer (Planning) Municipal Corporation, Erode. Though, tainted money would not be recovered, it appears from the First Information Report that the conversation between defacto complainant and the accused regarding demand of illegal gratification has been recorded and transcript has been duly certified under Section 65 (B) of Indian Evidence Act and forwarded to the sanctioning authority for obtaining sanction. Orders from the competent authority to prosecute is awaited.

3. In the light of the above fact, this court finds that it is not appropriate to quash the First Information Report just because the tainted money could not be recovered.

4. Hence, the CrI.O.P., stands dismissed.

11.12.2017

AT
Index: Yes/No

To

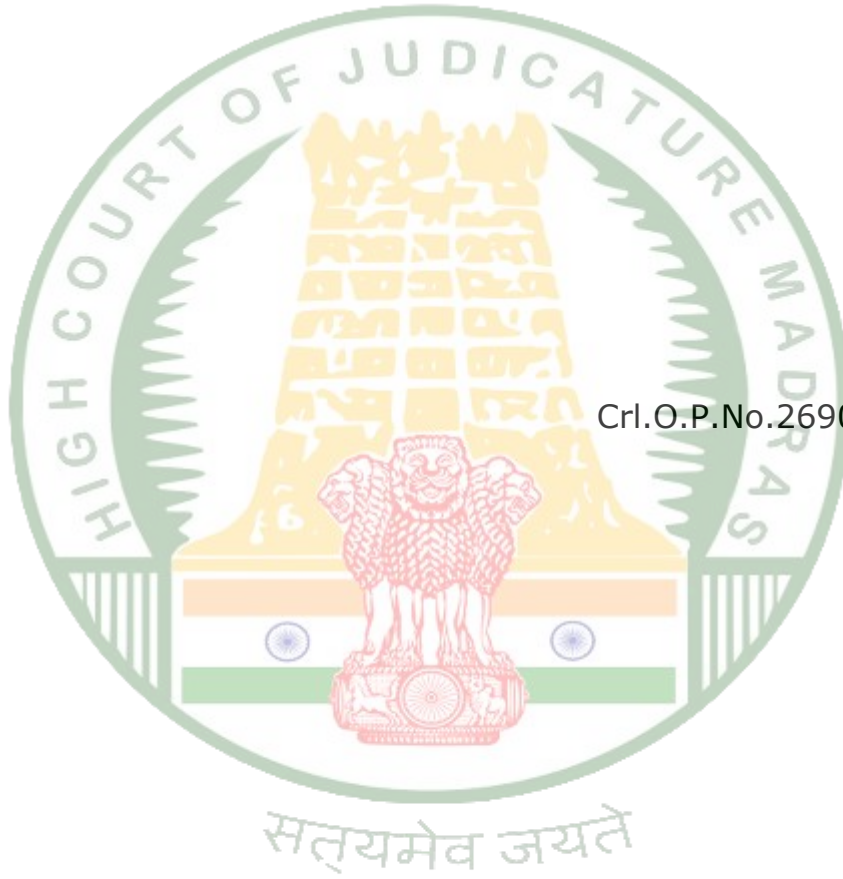
1. The Inspector of Police,
V & AC Department Erode Detachment,
Erode - 638 003.
2. The Public Prosecutor,
High Court, Madras.

सत्यमेव जयते

WEB COPY

Dr.G.JAYACHANDRAN,J.

AT



Crl.O.P.No.26900 of 2017

WEB COPY

11.12.2017