



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.(MD)No. 11426 of 2017

1.R.Lakshmi
2.Dr.V.Narayanan Nair
3.D.Karuppasamy
4.A.Baiju
5.T.Balasubramanian ...Petitioners/Accused Nos.2,4,5,6&8

vs.

1.State rep. by
The Inspector of Police,
Vigilance and Anti Corruption Wing,
Tirunelveli Detachment,
Tirunelveli District.
(Cr.No.2 of 2017) ... Respondent/Complainant

2.S.SudalaikannuRespondent/defacto complainant

Prayer: Criminal Original Petition filed under section 482 of Criminal Procedure Code to call for the records in Cr.No.02 of 2017 on the file of the Inspector of Police, Vigilance and Anti Corruption Wing, Tirunelveli Detachment, Tirunelveli District and quash the proceedings in the above case as against the petitioners herein.

For Petitioners : Mr.S.Hameed Ismail

For Respondents : Mr.K.S.Duraipandian
Additional Public Prosecutor for R1

ORDER

This Criminal Original Petition is filed under section 482 of Criminal Procedure Code praying to call for the records in Cr.No.02 of 2017 on the file of the Inspector of Police, Tirunelveli District and quash the proceedings in the above case as against the petitioners herein.

2.I have heard Mr.S.Hameed Ismail, the learned counsel appearing for the petitioners and Mr.K.S.DuraiPandian, the learned Additional Public Prosecutor appearing for the first respondent and perused the records carefully.



3.The petitioners are accused Nos.2, 4, 5, 6 & 8 in Cr.No.2 of 2017 on the file of the first respondent police and the above criminal case has been registered against them for the offence under Sections 120-B, 447, 427, Sections 13(2), 13(1)(d) of Prevention of Corruption Act, 1988 and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992. Earlier, the second respondent herein, who is the defacto complainant, filed a complaint against the petitioners and other respondents. Since the above complaint has not been registered by the first respondent, he has filed a petition before this court in Crl.O.P.(MD).No.2218 of 2016, seeking a direction to the first respondent to register the complaint. This Court, by an order, dated 18.01.2017, has passed the following order:

"In view of the above submission, after obtaining necessary permission from the Higher Official, the Investigating Officer is directed to investigate into the matter and conclude the same within a period of six months from the date of receipt of a copy of this order and thereafter, file a charge sheet before the concerned Jurisdictional Court, if it is found during the course of investigation that prima facie case is made out against the accused persons."

4.Pursuant to the order passed by this Court, the first respondent police registered a crime for the offences mentioned above and after registering the complaint, the first respondent police is also investigating the case. At this stage, the petitioners have filed this petition to quash the F.I.R.

5.On perusal of the facts, it is seen that earlier, in the petition filed by the second respondent/defacto complainant, this Court has issued a direction directing the first respondent police to investigate the matter and conclude the same within a period of six months and file charge sheet and if it is found during investigation that a prima facie case is made out against the accused persons. Now, the investigation is under progress and the respondent police, admittedly, did not file a final report. In the earlier order, this court only directed the first respondent police to conclude the investigation and after investigation, to file final report, if at all a prima facie case is made out against these petitioners. Thus, the interest of the accused is already protected by the earlier order. In the said circumstances, as the investigation is pending and final report is yet to be filed, at this stage, the petitioners cannot seek for quashing of F.I.R stating that there is no prima facie case made out against the petitioners.

6.Under the said circumstances, there is no merit in the quash petition. Hence, this Criminal Original Petition is dismissed. As the time granted by this court to complete the investigation



has already been expired, the first respondent is directed to complete the investigation and file a final report within a period of one month from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(crl side)

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/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Vigilance and Anti Corruption Wing,
Tirunelveli Detachment,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.S.Hameed Ismail, Advocate Sr.No.75434

VS

MK/JC/SAR2/27/09/2017/3P/4C

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