

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 05.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**CRL.O.P. (MD) No.11638 of 2016****and****CrI.M.P. (MD) .4129 of 2017**

1.R.Sundaravathanam
2.A.Sadhasivam
3.S.Ramanathan

: Petitioners/Accused

-Vs-

1.The State,
Rep. by The Inspector of Police,
District Crime Branch,
Thanjavur District.
(Crime No.14 of 2016)

:1st Respondent/Complainant

2.M.Kesavan,
District Educational Officer,
O/o.District Education Office,
Thanjavur - 613 001.

: 2nd Respondent/Defacto
Complainant

3.G.Rathinakumar

: 3rd Respondent

(R3 impleaded as per order of this
Hon'ble Court made in CrI.MP.(MD)No.7669 of 2016
in CrI.O.P.(MD)No.11638 of dated 03.11.2016 by MKKSJ)

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to call for the records in connection with the impugned FIR in Crime No.14 of 2016, dated 02.07.2016 on the file of the 1st Respondent and quash the same in so far as the Petitioners are concerned.

For Petitioners : Mr.D.Selvanayagam
For R1 : Mr.K.Anbarasan
Government Advocate (CrI.Side).

For R2 : No Appearance.
FOR R3 : Mr.S.K.Mani.

**O R D E R**

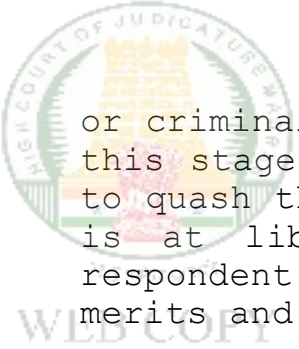
This petition is to quash the FIR in Crime No.14 of 2016 dated 02.07.2016. The petitioners are the named persons who have committed certain irregularities as persons in the Management of a school. The first petitioner is the vice President of the Karanthai Tamil Sangam, the second petitioner is the Assistant Headmaster of the Uma Maheswara Higher Secondary School and the third petitioner is the Secretary of the Sangam namely, the educational Agency of the School.

2. The complaint against the petitioners as shown from the FIR is that on the basis of the judgment of this Court, three Graduate Teachers were appointed from 2009. However on the basis of false information and records, the teaching grant for these three teachers from 2006 was claimed and disbursed. The allegation is that the persons, who are in the management of the School had cheated a huge amount to the tune of Rs.30 lakhs.

3. The learned counsel for the petitioners submitted that he has got record to show that the appointment orders were issued to the teachers and that the order of appointment was approved by the Educational Department enabling the management to get the teaching grant for the teachers. The allegation makes out a prima facie case that persons who are in the management of the school, are involved in financial irregularities, which can be established if only an investigation is made. It is open to the petitioners to produce any number of documents or evidence to show that the teachers were actually engaged with effect from 2006 so as to enable the authorities to conclude that no misappropriation is involved in this case.

4. It is too early to come to the conclusion that there is no irregularities or misappropriation committed by anyone. The petitioner has raised factual issues, which cannot be the basis to quash the criminal case as against the petitioners even before enquiry. This is not a case where the criminal complaint is an abuse of process of law. Allegation is about misappropriation of public money. In that view of the matter, this Court, in tune with several judgments where it has been held that this Court will not exercise the power under Section 482 of Cr.P.C. to quash the criminal case accepting the version of petitioners, is not inclined to entertain this petition. This Criminal Original Petition is therefore dismissed. Consequently, connected miscellaneous petition is also dismissed.

5. The learned counsel for the petitioner submitted that there are discrepancies in the statement of the defacto complainant and the materials collected by the police. These are all matters which will be considered during the course of enquiry



or criminal trial. This Court cannot interfere with the process at this stage as there is no other legal issue involved or projected to quash the FIR. Hence this petition is dismissed. The petitioner is at liberty to produce any amount of evidence before the respondent at the time enquiry and the same will be considered on merits and in accordance with law.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
District Crime Branch,
Thanjavur District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S. D.SELVANAYAGAM, Advocate, SR.No.63584.
+1cc to M/S. S.K.MANI, Advocate, SR.No.63643.

CRL.O.P. (MD) No.11638 of 2016
05.07.2017

das/pjl
SDS/JC/SAR 1/19.07.2017/3P/5C