



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM

**THE HON'BLE MR.JUSTICE V.BHARATHIDASAN**

Crl.O.P(MD)Nos.8032 and 9996 of 2017

1.R.Balaiah

2.S.Kulanthaivelu

3.T.Santhanam

... Petitioners in Crl.O.P(MD)No.8032/17/  
Accused No.2,3 &6

M.Muneer Ahamed ... Petitioner in Crl.O.P(MD)No.9996/17/Accused No.4

Vs.

1.The State rep.by

The Deputy Superintendent of Police,  
Vigilance and Anti Corruption Department,  
Thallakulam, Madurai,  
Crime No.1 of 2017.

...1<sup>st</sup> Respondent/Complainant

in both the Petitions

2.Raja

...2<sup>nd</sup> Respondent in both Petitions/  
Defacto Complainants

**Prayer** : Criminal Original Petitions filed under Section 482 Cr.P.C., to call for records pertaining to the impugned FIR in Crime No.1 of 2017 dated 13.02.2017 on the file of the first respondent police and quash the same as illegal as against the petitioners' concerned.

For Petitioners : Mr.S.Karthick  
(both petitions)

For R - 1 : Mr.C.Mayilvahana Rajendran,  
Additional Public Prosecutor

For R - 2 : No appearance  
(both petitions)

#### **COMMON ORDER**

These Criminal Original Petitions have been filed praying to quash the First Information Report registered in Crime No.1 of 2017 dated 13.02.2017 on the file of the first respondent police.

2.The petitioners herein have been arrayed as Accused Nos.2, 3, 6 and 4 respectively in Crime No.1 of 2017 on the file of the first respondent police.

3.The learned counsel appearing for the petitioners submitted that these petitioners have no way connected with the offence and ~~they are not signing authorities~~ signing authorities and the person who had actually empowered to issue the cheque and disburse the amount was not arrayed as an accused, and even a reading of the First Information



Report *prima facie* case is not made out against the petitioners. Hence, the First Information Report with regard to the present petitioners is liable to be quashed.

4. The learned Additional Public Prosecutor submitted that the First Information Register was registered based on the direction issued by this Court in CrI.O.P(MD)No.19735 of 2015 dated 31.01.2017 and this Court after considering the entire materials, come to the conclusion that *prima facie* case is available for registration of the case against the erred officials and hence, directed the first respondent herein to register the complaint and only based on the above direction, the First Information Report has been registered. Now the investigation is almost over and most of the witnesses were examined and investigation will be completed within a period of four months.

5. I have considered the rival submissions made on either side and perused the records carefully.

6. As rightly contended by the learned Additional Public Prosecutor, this Court by the order dated 31.01.2017 in CrI.O.P(MD) No.19735 of 2015, after considering the entire materials available on record, has passed the following order:

*"In the above stated circumstances and also considering the materials on record, this Court is of the opinion that there is prima facie case with particulars for registration of FIR against the erred officials and contractors as prayed for in this petition. Hence, this Court is inclined to direct the second respondent to register FIR on the basis of the collected materials according to law and also to file a final report before the concerned Court as expeditiously as possible in this case."*

7. In the above circumstances, since the above order has become final and the petitioners did not challenge the above said order, they cannot raise all these grounds at this stage to quash the First Information Report. However, since the investigation is almost completed, the first respondent is directed to complete the investigation in Crime No.1 of 2017 and file final report within a period of four months from the date of receipt of a copy of this order.

8. Accordingly, these Criminal Original Petitions are disposed of with the above direction.

Sd/-

Assistant Registrar(P & A)

/True Copy/



To

1.The Deputy Superintendent of Police,  
Vigilance and Anti Corruption Department,  
Thallakulam,  
Madurai.

2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1cc to Mr.S.KARTHIK Advocate in SR. No.74090

+2cc to Mr.M.RAJA Advocate in SR. No. 74424

MJ

JS/KP/SAR.1/12.09.2017/3P-6C

Cr1.O.P (MD) Nos.8032 and 9996 of 2017  
23.08.2017