

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.Nos. 20699 & 21521 of 2018
and
Crl.M.P.Nos.11128 & 11767 of 2018

Meganathan .. Petitioner
in Crl.O.P.No.20699 of 2018

G.Ramesh Kumar .. Petitioner
in Crl.O.P.No.21521 of 2018

Vs.

State represented by
O/o Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Udhagamandalam,
The Nilgris District.
(Crl.No.02/2018/AC/NI) .. Respondent in Both Crl.O.Ps

COMMON PRAYER: Criminal Original Petitions have been filed under Section 482 of Criminal Procedure Code to call for the records relating to the FIR in Cr.No.02/2018/AC/NI on the file of the respondent and quash the same against the petitioners.

For Petitioner : Mr.Ilamuruga
in Crl.O.P.No.20699 of 2018

Mr.R.Vivekanandhan
in Crl.O.P.No.21521 of 2018

For Respondent : Mr.R.Ravichandran
Government Advocate (Crl. Side)
in both Crl.O.Ps.

C O M M O N O R D E R

The petitioners have filed this Criminal Original Petitions under Section 482 of Cr.P.C. to call for the records relating to the FIR in Cr.No.02/2018/AC/NI on the file of the respondent and quash the same against the petitioners.

2.The petitioners were implicated for the offences under Sections 167, 120(B), 468, 409, 420, 477(A) and 471 of IPC and 13(2) r/w 13 (1)(c) of Prevention of Corruption Act for the occurrence which took place between 2012 to 2014 and the complaint was given on 19.07.2018. The petitioners have filed these petitions to challenge the FIR registered by the respondent.

3.The petitioners are A4 and A5, while they were working as Block Development Officer as well as Assistant Engineer in Udhagamandalam Panchayat Union, they colluded with the contractor and had executed substandard drinking water pipeline work in Korthi Village of the Nilgiris District and caused revenue loss to the tune of Rs.9,00,000/- to the Panchayat Union, Udhagamandalam, for which, the respondent has registered a case against the petitioners and other accused persons. F.I.R discloses the commission of cognizable offence and the same cannot be quashed in a mechanical manner unless the petitioners satisfy that there is no prima facie case is available for interference of this Court. In this aspect, though, this Court is entitled to exercise inherent jurisdiction for quashing the F.I.R., the allegation made in the same do not disclose the offence.

4.The learned Government Advocate (Crl. Side) would submit that on instructions, the charge sheet will be filed within a period of six months.

5.The petitioners have admitted that during the relevant period, the petitioners were serving as BDO and along with other BDOs were implicated jointly in the FIR and the Criminal proceedings is set in motion. The FIR is only a first information report and not a final report. Thereafter, investigation has to be conducted, file a charge sheet and conduct thorough investigation as per procedure. Hence, the FIR can be challenged only on the certain grounds.

6.However, on a perusal of the FIR, this Court satisfied that there is a prima facie case against the petitioners and the same cannot be quashed. In the decision of the Hon'ble Apex court reported in STATE OF HARYANA VS. BAJANLAL [1992 (1) SUPP (SCC) 335], in which the Hon'ble Apex Court pointed out certain category of cases by way of illustration, wherein, the inherent powers under Section 482 could be exercised either to prevent abuse of the process of any court or otherwise to secure the ends of justice.

7.In view of the above, these Criminal Original petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Kas

To

1.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Udhagamandalam,
The Nilgris District.

2.The Public Prosecutor (CBI)
Madras High Court, Chennai.

+1cc to Mr.Vivekananthan, Advocate Sr.77809

+1cc to Mr.Ilamurugu, Advocate Sr.77808

Crl.O.P.Nos. 20699 & 21521 of 2018
and
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srg 20/12/2018

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