

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06.06.2018

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.11794 of 2018 & Crl.M.P.No.6196 of 2018

A.Thangapandian

... Petitioner

Vs.

The Inspector of Police,
Special Investigation Cell,
Anti Corruption Department,
Chennai 600 106.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to quash the FIR registered in Crime No.7/2016/AC/HQ on the file of the respondent.

For Petitioner : Mr.M.Venkataraman, SC
For M/s. V.Krishnakumar

For Respondent : Mr. K.Prabakar
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking to quash the FIR registered in Crime No.7/2016/AC/HQ on the file of the respondent.

2 The contention of the learned counsel for the petitioner is that the FIR is a handy work of brother-in-law by name K.Jagadeesh who has earlier made an attempt for registering a case against this petitioner and approached this Court, however, failed. This Court by an order dated 26.06.2015 had dismissed the said petition. However, the respondent/appellant had registered suo-motu FIR with the same ingredient on 31.08.2016. This FIR does not disclose the earlier proceedings between the adversary and the petitioner. The FIR suffers with suppression of facts, so further proceedings should be quashed. If it is allowed to continue, it will amount to abuse of process of law.

3 The learned Additional Public Prosecutor would submit that independent of the complaint made by the said K.Jagadeesh, materials were available with the respondent and the outcome of preliminary enquiry commenced in the year 2013 it is now

culminated by the registration of FIR on 31.06.2016. Therefore, there is no suppression of material facts or illegality on registration of FIR. It is also submitted by the learned Additional Public Prosecutor that the investigation is going on, every opportunity will be provided to the petitioner herein before filing the final report and all the facts about the earlier proceedings between the petitioner and his rival will be taken note of.

4 Considering the submission made by the learned counsel for the petitioner and the learned Additional Public Prosecutor, it is suffice to say that FIR being registered for the alleged offence under Section 13(1)(e) of Prevention of Corruption Act, the investigation officer has to scrupulously followed the vigilance manual, while investigating the case. Fair opportunity shall be given to the petitioner to put forth his defence and explanation of the wealth alleged to have possess by him. With these observations, the Criminal Original Petition is disposed of. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1 The Inspector of Police,
Special Investigation Cell,
Anti Corruption Department,
Chennai 600 106.
- 2 The Public Prosecutor,
High Court, Madras.

+2 ccs to Mr.S.Ravee kumar Advocate sr 35121

CrI.O.P.No.11794 of 2018

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