

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.03.2018

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THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Criminal Original Petition No.8353 of 2016

P.Chandira, M.E., (MBA) (BGL).,
Assistant Engineer, Highways,
Nabard and Rural Roads,
Panruti, Cuddalore District. ..Petitioner/Accused 2

/versus/

1.The Inspector of Police,
First Thermal Power Station,
Neyveli, Cuddalore District.

2.The Inspector of Police,
Pudhupet Police Station,
Cuddalore District.

3.Thiru.Ramanujam
The Director General of Police,
Chennai

4.Mrs.Radhika
The former Superintendent of Police,
Cuddalore District

5.Thiru.Venkatraman,
The Director,
Vigilance and Anti-Corruption Department,
Chennai.

6.Thiru.Paramasivam,
The former General Manager,
First Thermal Power Station,
Neyveli.

7.Thiru.Sureshbabu,
The Former General Manager,
First Thermal Power Station,
Neyveli.

8.Thiru.Thangapandian,
The Director (Power)
Neyveli Lignite Corporation,
Neyveli.

9.Thiru.Subramanian,
The Chief General Manager,
First Thermal Power Station,
Neyveli.

10.Thiru.A.R.Ansari,
The Former Chairman-cum-Managing Director,
Neyveli Lignite Corporation,
Neyveli.

11.Thiru.Surendra Mohan,
The Former Chairman-cum-Managing Director,
Neyveli Lignite Corporation,
Neyveli.

12.Thiru.Shivraj Shingh,
The Chief Vigilance Officer.
Neyveli Lignite Corporation,
Neyveli.

13.The Joint Director,
Inspector of Factories,
Semmandalam,
Cuddalore.

14.Thiru.Sureshkumar,
The District Collector,Cuddalore.

15.Thiru.PonnSelvan,
The Superintending Engineer (H) ,
Construction and Maintenance,
Villupuram.

16.Thiru.Muthu,
The Executive Director,
The Transparency Officer,
Neyveli Lignite Corporation,
Neyveli.

17.Thiru.Sekar,
The Divisional Engineer(H) ,
Nabard and Rural Roads,
Cuddalore.

18.Thiru.Pugalenthil,
The Divisional Engineer(H) ,
Construction and Maintenance,
Cuddalore.

19.The Director General of Police,
Chennai.

.. Respondents

Criminal Original Petition is filed under Section 482 Cr.P.C., praying to direct the respondents to submit the report about the incidents happened in First Information Report (FIR) No.261/13 filed by the second respondent in C.C.No.38/2015 which was transferred by the Principal District Court, Cuddalore in Tr.C.M.P.No.4786/14 from the Judicial Magistrate Court-II, Panruti in C.C.No.41/14 to the file of District Munsif cum Judicial Magistrate, Neyveli and consequently quash the complaint in the crime numbers and direct Nineteenth respondent to offer job to four ladies, deceased's wives in the suitable position.

For Petitioner :Mr.P.Chandira
party-in-person

For Respondent :Mr.K.Prabakaran,APP

O R D E R

This Criminal Original Petition is filed by one Tmt.Chandira, Assistant Engineer, Highways, Nabard and Rural Boards, Panruti, Coimbatore as party-in-person.

2. The grievance of the petitioner is that on 20.07.2013 a road accident occurred causing death of one Selvaraj, Chief Manager (Mechanical), Neyveli Lignite Corporation. The first Information Report was registered by Pudupet Police Station, Cuddalore and they have taken up the investigation. While filing the final report on 27.01.2014, they have shown the petitioner as absconding accused and the petitioner was arrayed as second accused for the alleged offence under Sections 337 and 304(A) of Indian Penal Code.

3. The petitioner-in-person would submit that due to some previous enmity, she has been arrayed as one of the accused. Though she was regularly attending the office, the final report shows her as absconding accused. Now, the case is pending before the District Munsif-cum-Judicial Magistrate, Neyveli in C.C.No.38 of 2015. She further submits that she filed a discharge petition before the trial Court on 09.06.2014, but it was not disposed of till filing the criminal original petition on 01.04.2016.

4. It is the case of road accident wherein the victim without licence and without proper caution, had driven his two wheeler, where the Highways maintenance work was under construction. For that, attributing negligent on the part of the contractor, who was carrying out the bridge construction and vigorous liability on the petitioner, who is working as Assistant Engineer, Highways, the case has been registered. In the final report, the petitioner is arrayed as one of the accused.

5. Apart from improper investigation and illegal charge sheet, it is also contended by the petitioner that she being a public servant before filing the final report sanction for

prosecution ought to have been obtained by the prosecution as per Section 197 Cr.P.C., which was not deliberately obtained by the investigating officer, due to certain personal animosity.

6. Without advertting to the other aspects of the case, this Court finds prima facie illegality in the final report by not obtaining sanction to prosecute the petitioner herein. Section 197 Cr.P.C., protects public servant from being prosecuted for any act perpetrated to be done in discharge of his/her official duty. In this case, the alleged accident is in connection with road under construction. Since the prosecution has not obtained sanction, the trial cannot proceed as against this petitioner.

7. Taking note of the above facts with perusal of CD file, this Court finds there is no sanction to prosecute the petitioner. Hence, the Court below cannot take cognizance. Hence, charge against this petitioner alone is quashed. Accordingly, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

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Neyveli, Cuddalore District.

2.The Inspector of Police,
Pudhupet Police Station,
Cuddalore District.

3.Thiru.Venkatraman,
The Director,
Vigilance and Anti-Corruption Department,
Chennai.

4.Thiru.Thangapandian,
The Director (Power)
Neyveli Lignite Corporation,
Neyveli.

5.Thiru.Subramanian,
The Chief General Manager,
First Thermal Power Station,
Neyveli.

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6.Thiru.Shivraj Shingh,
The Chief Vigilance Officer.
Neyveli Lignite Corporation,
Neyveli.

7.The Joint Director,
Inspector of Factories,
Semmandalam,
Cuddalore.

8.Thiru.Sureshkumar,
The District Collector,
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Construction and Maintenance,
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The Divisional Engineer(H),
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12.Thiru.Pugalenthil,
The Divisional Engineer(H),
Construction and Maintenance,
Cuddalore.

13.The Director General of Police,
Chennai.

14.The Judicial Magistrate II, Panruti.

15.The Public Prosecutor, High Court, Madras.

16.The District Munsif cum Judicial Magistrate, Neyveli,
Cuddalore.

17.The Principal District Judge, Cuddalore

+1cc to Ms.P.Chandira Party in person Sr.n0.18585

sm:27.3.2018

Cr1.O.P.No.8353 of 2016