

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 06.12.2018

CORAM:
THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.28480 of 2018
and CRL.M.P.No.16573 of 2018

Gopal

... Petitioner

Vs.

1.State rep. by
The Inspector of Police,
Gingee Police Station
Villupuram District
(Cr.No.950 of 2017)

2. G.S.Babudeen

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to call for the records relating to the Crime No.950 of 2017 on the file of the Inspector of Police, Gingee Police Station, Villupuram District and quash the same.

For Petitioner : Mr.M.Palanivel

For R1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking to quash the F.I.R. in Crime No.950 of 2017, pending on the file of the first respondent.

2. The learned counsel for the petitioner would submit that as per the complaint given against the petitioner, when the petitioner was working as the Head Clerk at Principal Sub Court, Tindivanam, a case property of Rs.100/- was brought in connection with Crime No.42 of 2015, and this was not sent to the Treasury through Safe Custody Value Box, and therefore the petitioner misappropriated a sum of Rs.100/-. The second allegation that has been made against the petitioner in the complaint is that when the petitioner was serving as a Head Clerk before the Judicial Magistrate Court Gingee, in connection Crime No.88 of 2015, the case property of Rs.50,000/- was brought before the Court, but the same was not sent to the Treasury through the Safe Custody Value Box, and therefore the petitioner has misappropriated a sum of Rs.50,000/-. Based on

these two allegations, the FIR came to be registered against the petitioner.

3. The learned counsel for the petitioner brought to the notice of this Court, the records of the Court and submitted that it is clear from these records that Rs.100/- was kept in the Safe Custody Value Box in the Court. Insofar as Rs.50,000/- is concerned, the learned counsel for the petitioner brought to the notice of this Court the deposit made by the petitioner in the account of the Magistrate Court, pursuant to the directions given by the Court.

4. The learned counsel for the petitioner also brought to the notice of this Court, the proceedings dated 23.01.2018, wherein the Principal District Judge, Villupuram, had also revoked the order of suspension passed against the petitioner, with immediate effect.

5. The learned counsel would therefore submit that the pendency of the FIR as against the petitioner is an abuse of process of law, and the allegations made against the petitioner is completely disproved in view of the records that are available before the concerned Court.

6. The learned Additional Public Prosecutor would submit that the respondent Police is not in possession of the records that have been pointed out by the learned counsel for the petitioner. The learned Additional Public Prosecutor would further submit that the records that have been placed by the petitioner before this Court will be taken into consideration by the respondent police in the course of the investigation and the investigation itself will be completed within a period of one month from the date of receipt of a copy of this order and a report will be filed before the appropriate Court.

7. In view of the above, the respondent police is directed to complete the investigation and to file a final report or closure report, as the case may be within a period of one month from the date of receipt of a copy of this order. Consequently, Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

gbi/kp

To

1.The Inspector of Police,
Gingee Police Station
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Palanivel, Advocate, S.R.No.84219

CRL.O.P.No.28480 of 2018
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SJ(CO)

rrs 26/12/2018



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