

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.O.P.No.21453 of 2018

R.C.Rajagopal

... Petitioner / Accused

Vs.

1. State of TamilNadu,
Rep. by Inspector of Police,
E2, Royapetta Police Station,
Chennai - 600 014. 1st Respondent /
Complainant

2. Mr.Aiyeratharsu Rajasekaran 2nd Respondent /
Defacto Complainant

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C. praying to call for the records in Cr.No.229 of 2010 on
the file of the 1st Respondent Police and Consequently quash the
same as illegal and improper.

For Petitioner : Mr.D.Stephen

For RR1 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

For RR2 : No Appearance

ORDER

This petition has been filed to call for the records in
Cr.No.229 of 2010 on the file of the 1st Respondent Police and
Consequently quash the same as illegal and improper.

2. The learned counsel for the petitioner would submit that
a case was registered against the petitioner in Crime No.229 of
2010 on the file of the first respondent on the allegation that
the petitioner, who was working as Assistant Executive Engineer
in Public Works Department, failed to deposit the money in
respect of collection of parking charges of the cycle stand.
Thereafter, the petitioner was suspended from service on
18.03.2010. In the meantime the petitioner paid the entire due

to the Government, pursuant to which the petitioner has also been reinstated into service, however the case is still pending on the file of the first respondent. In this regard, the learned counsel has relied upon the judgment of this Court in the case of S.Vaithilingam and another Vs. State by Additional Deputy Commissioner of Police, Crimes General, Chennai-8 and another in Crl.O.P.No.18265 of 1998. Hence, he has filed this petition.

3. The learned Additional Public Prosecutor would submit that the case in Crime No.229 of 2010 is still pending on the file of the first respondent, and final report is yet to be filed.

4. It is seen that the petitioner has repaid the entire amount to the Government and he has also been reinstated into service. In this regard, the second respondent has also sent a letter dated 28.04.2014 to the first respondent.

5. In view of the above, this Criminal Original Petition is allowed and the FIR in Crime No.229 of 2010 on the file of the first respondent Police is quashed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

pds/lok

To

1. The Inspector of Police,
State of TamilNadu,
E2, Royapetta Police Station,
Chennai - 600 014.

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

+1 cc to Mr.D.Stephen, Advocate, S.R.No.15247

Crl.O.P.No.21453 of 2018

SSM(19/03/2019).