

IN THE HIGH COURT OF JUDICATURE AT MADRAS

CORAM

DATED 20.09.2019

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

CRL.O.P.NO.25374 OF 2019 &
Crl.M.P.No.13554 of 2019

Tmt. Fathima @ Venmol

.. Petitioner

Vs

State, represented by
the Inspector of Police,
Special Investigation Cell,
Vigilance and Anti Corruption,
Chennai 600 016.

.. Respondent

Prayer: Petition filed under Section 482 of Cr.P.C., praying to call for the records in Crime No.3 of 2019 on the file of the respondent and to quash the same.

For Petitioner: Dr. G. Krishnamurthy

For Respondent: M/s.T.P.Savitha,
Govt. Advocate (crl.side)

ORDER

The petitioner who is A1 in Crime No.3 of 2019 seeks to quash the First Information Report on the ground that it is tainted investigation and is against the evidence available.

2. The case of the prosecution is that on 28.12.2018, a surprise check was conducted by the respondent along with the District Inspection Cell Officer to the office of Sub Registrar Office, Royapuram, wherein during the surprise check, various incriminating documents as well as cash of Rs.74,330/- was seized from the petitioner. She has been arrayed as A3.

3. The contention of the petitioner is that the petitioner is running a job typing centre in the name of SM Job Typing Centre at the III Floor of the same building, where the Sub Registrar Office is located and she was not present in the SRO Office at the time of surprise check and she was very much

available in her shop, but a recovery of Rs.47,730/- had been shown as amount recovered from her in the Office of Sub Registrar and the further allegation is that she has been acting as a facilitator for the Sub Registrar to collect illegal gratification.

4. The further contention of the petitioner is that the petitioner had handed over the CD of CC TV recording, which have not been properly verified and no investigation has been carried on that. The respondent has been falsely implicated her in this case as an accused.

5. Learned Addl. Public Prosecutor submits that the petitioner was very much present in the office of the Sub Registrar and from her Rs.47,730/- of unaccounted cash was seized and on enquiry, she was unable to give any possible explanation. The accused is running a job typing centre in the 3rd floor of the same building, and has actively participated in collection of illegal gratification on behalf of the public servants working in the office of Sub Registrar Office. Further the petitioner was standing inside the Sub Registrar Office and the CD submitted by the A3 was received in the presence of one Mr.M.P.Samraj, Village Administrative Officer, Alandhur Village and independent witnesses and in the said CD, nothing has been disclosed as mentioned by the petitioner and the genuineness of the CD has to be ascertained and it has to be forwarded to the Forensic Department for Forensic Study. The only contention of the petitioner is that she had been falsely implicated in the case and the CD would show that she was very much present in her shop at third floor.

7. The learned Additional Public Prosecutor would submit that on getting proper tangible information, a surprise check was carried out and other than the cash, lot of incriminating documents have been seized, which pointed to the petitioner and hence she had been made as an accused. She would further submit that on investigation, if the contention of the petitioner is found to be correct and if there is no incriminating material found against her, the respondent would act according to law.

8. Heard learned counsel for the petitioner and learned Addl. Public Prosecutor.

9. It is also submitted by learned Addl. Public Prosecutor seizure proceedings was conducted under Section 102 of Cr.P.C. and seizure mahazars were recorded there, and the petitioner had signed the proceedings at the end of the surprise check which would go to show that she was very much present during the

surprise check.

10. It is seen that there are incriminating materials and documents against the petitioner herein. Further more, the petitioner had signed the proceedings at the end of surprise check

11. In view of the above, this Court is not inclined to quash the FIR and with the above observation, this Criminal Original Petition is dismissed. Consequently, connected Crl.M.P.No.13554 of 2019 is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Inspector of Police,
Special Investigation Cell,
Vigilance and Anti Corruption,
Chennai 600 016.
2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.NO.25374 OF 2019 &
Crl.M.P.No.13554 of 2019

GP(CO)
CB(09/12/2019)

सत्यमेव जयते

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