

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.7005 of 2019 and
Crl.M.P.No.3862 of 2019

Dr.C.Swaminathan

... Petitioner

Vs.

The Inspector of Police,
Vigilance & Anti-Corruption,
O/o. The Dy.Suptd of Police,
No-4, Ramasamy Nagar, Koundampalayam,
Coimbatore - 641 030
(Crime No.7/2017/AC/CB)

... Respondent

Prayer:- The Criminal Original Petition is filed under Section 482 of Cr.P.C to quash the FIR in Crime No.7/2017/AC/CB on the file of Inspector of Police, Vigilance & Anti Corruption, Coimbatore for the alleged offences under Sections 167, 465, 468, 471 IPC and Sections 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988.

For Petitioner : Mr.Veerakathiravan,
Senior Counsel,
for M/s.Mohamed Ismail.A

For Respondent : Mrs.Saradhadevi.V,
Government Advocate
(Crl.side)

ORDER:

This criminal original petition has been filed to quash the FIR in Crime No.7/2017/AC/CB on the file of Inspector of Police, Vigilance & Anti Corruption, Coimbatore for the alleged offences under Sections 167, 465, 468, 471 IPC and Sections 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988.

2.The case of the petitioner is that the petitioner was appointed as Vice Chancellor of Bharathiar University and served from 2009 to 2012 and after his tenure, he was appointed as Vice

Chancellor of Periyar University, Salem and served from 2014 to 2017. When serving as the Vice Chancellor of Bharathiar University, Coimbatore, the University had called for applications for appointment in both temporary and permanent posts in several faculties and notification was issued in the year 2010. As per the Statutes of the University, the Selection Committee should have 12 members including the Vice Chancellor, who will be Chairman of the said Committee. Among the 11 members, one member will be nominated by His Excellency the Governor of Tamil Nadu, one by the Government of Tamil Nadu, a woman nominee and three members from minority, SC/ST & MBC communities, the Dean of the faculty concerned, the Head of the Department and three subject experts duly approved by the Standing Committee on academic affairs. While being so, selection process was conducted for recruitment of temporary Assistant Professors as well as permanent Assistant Professors in the year 2011. Thereafter the said selection process was not completed on the allegation that there were irregularities in the selection process. While being so, the respondent filed the present FIR against the petitioner in the year 2017 alleging that he had committed irregularities in the selection process. Hence, the petitioner has filed this quash petition.

3.Mr.Veerakathiravan, learned Senior Counsel appearing on behalf of the petitioner submits that the petitioner had proposed to apply for the post of Vice Chancellor of Periyar University and Bharathidasan University in November 2017 and the last date for submission of application was fixed on 20.11.2017 and 21.11.2017 respectively. However, with a malafide intention to disqualify the petitioner, though there is no cognizable offence made out under Sections 13(2) r/w 13(1) (d) of the Prevention of Corruption Act, 1988 and no materials are available, the respondent has registered the FIR against the petitioner, that too in the year 2017, when the occurrence took place in the year 2011. Hence, the petitioner has filed this quash petition, however this court may issue a direction to the respondent to complete the investigation within a reasonable time as fixed by this Court.

4.The learned Government Advocate on instruction submitted that the investigation will be completed within the time fixed by this Court.

5.Though the petitioner has sought for a larger relief, I am not inclined to render any opinion on merits at this stage. However, the respondent is directed to complete the investigation in Crime No.7/2017/AC/CB within a period of four months from the date of receipt of a copy of this order.

6.With the above direction, this criminal original petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

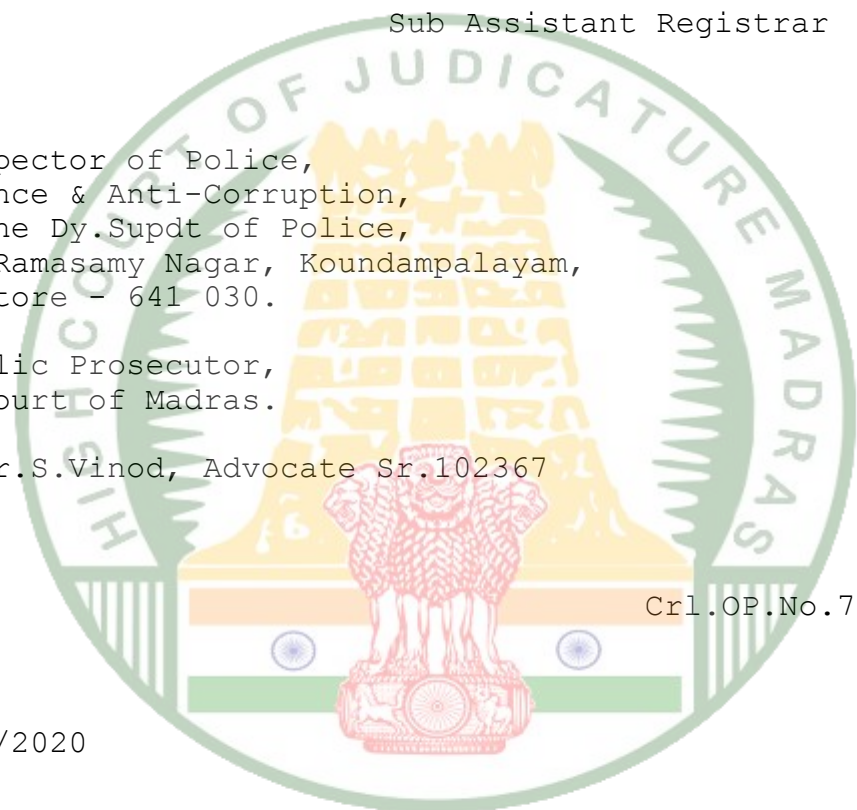
1.The Inspector of Police,
Vigilance & Anti-Corruption,
O/o. The Dy.Suptd of Police,
No-4, Ramasamy Nagar, Koundampalayam,
Coimbatore - 641 030.

2.The Public Prosecutor,
High Court of Madras.

+2cc to Mr.S.Vinod, Advocate Sr.102367

Cr1.OP.No.7005 of 2019

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srg 11/02/2020

The seal of the High Court of Madras is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The lion capital is set against a background of the Indian national flag's saffron, white, and green horizontal stripes. The words "HIGH COURT OF JUDICATURE MADRAS" are inscribed in a green border around the central image. Below the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is written in Devanagari script.

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