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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CrI.O.P. No.30328 of 2019 and  
CrI.M.P.No.16402 of 2019

M.R.Gopalakrishnan,  
S/o.M.Ramasamy,  
Having office at,  
General Superintendent,  
Assistant Director (Additional Charge) (Village Industries),  
Assistant Director (Addl. Charge) (P&D),  
Tamil Nadu Khadi and Village Industries Board,  
Kuralagam,  
Chennai - 600 104. ... Petitioner

Vs.

State Rep. by,  
The Inspector of Police,  
Vigilance and Anti Corruption,  
Kancheepuram. ... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the First Information Report in Cr.No.2/AC/2016/KM u/s 120B, 409 IPC and Section 13(2) r/w 13(1)(c) of the Prevention of Corruption Act, 1988 on the file of the Inspector of Police, Vigilance and Anti Corruption against the petitioner.

For Petitioner : M/s.E.Abdul Rahimon

For Respondent : M/s.M.Prabhavathy,  
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to quash the First Information Report in Crime No.2/AC/2016/KM, for the offence under Sections 120-B, 409 IPC and Section 13(2) r/w 13(1)(c) of the Prevention of Corruption Act, 1988, pending on the file of the respondent.



2.The learned counsel for the petitioner submitted that due to the registration of the case against the petitioner, he was suspended from the service and departmental enquiry has also conducted. In the departmental enquiry, the petitioner was exonerated from all the charges. The learned counsel for the petitioner further submitted that the gravamen in the departmental enquiry as well as in the First Information Report are one and the same. In view of the departmental enquiry exonerated the petitioner from all the charges, nothing survives in this investigation and it would amount to exercise of fatality.

3.The learned Additional Public Prosecutor appearing for the respondent filed a status report and submitted that during 2010, the petitioner entered into a criminal conspiracy to commit and abet the offences of criminal misappropriation, criminal misconduct as a public servant. The petitioner being a General Superintendent in Tamil Nadu Kadhi and Village Industries Board, Kuralagam and also holding the Additional Charge as Development Officer in Ambathur Leather Unit, has to check up and verify the stock register and the availability of raw material purchased from Taj leathers. As being in charge of Development Officer, he has filed to prepare voucher and send the same to the Chief Executive Officer, Head Office at Kuralagam, Chennai. The Chief Executive Officer would sanction the amount to be paid to the suppliers. Further, a detailed enquiry had revealed that the petitioner acted to obtain wrongful gain with the connivances of officials of the board by creating false entries at his own discretion and colluded with the other accused.

4.The learned Additional Public Prosecutor further submitted that the Sanctioning Authority, Principal Secretary to the Government, Chennai accorded sanction order in G.O.(Ms.) No.119 against the petitioner and within a period of two months the charge sheet would be filed.

5.Considering the above facts and circumstances, this Court is not inclined to quash the Crime No.2/AC/2016/KM. Hence, the respondent is directed to complete the investigation and file a final report within a period of two months from the date of receipt of copy of this Order.



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6. With the above directions, this Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,  
Vigilance and Anti Corruption,  
Kancheepuram.

2. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr. Abdul Rahimon, Advocate SR.No.99156

CrI.O.P.No.30328 of 2019

SSD(CO)  
GMY(22/01/2020)



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