

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 09.10.2020

PRONOUNCED ON : 13.10.2020

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL.O.P.No.15986 of 2020

V.Ramanathan

.. Petitioner

Vs.

1.State represented by
The Inspector of Police
Vigilance & Anti-Corruption
Salem District
(Cr.No.19/AC/2019)

2.V.Pandarínathan

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records relating to the Crime No.19/AC/2019 on the file of the Inspector of Police, Vigilance & Anti-Corruption, Salem District and quash the same.

For Petitioner :Mr.M.Palanivel

For Respondents :Mrs.P.Kritika Kamal
Govt. Advocate (Crl. Side) for R1
R2-No Appearance

O R D E R

Based on the report submitted by the 2nd respondent, the 1st respondent has registered a case in Crime No.19/AC/2019 on 11.10.2019 for the offences under Section 7(O) and 7(A) of the Prevention of Corruption (Amendment) Act, 2018 against 5 named accused, including the petitioner herein, for quashing which, this petition has been filed under Section 482 Cr.P.C.

2.Heard Mr.M.Palanivel, learned counsel for the petitioner, Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the respondents.

3.Before advertng to the submissions made by the learned counsel for the petitioner, it may be relevant to give a brief sketch of the allegations in the F.I.R. against the petitioner. The petitioner was working as Block Development Officer in

Kolathur Panchayat Union, Salem District, during the relevant period. The Vigilance Department received information that on 11.10.2019, the Kolathur Panchayat Union is floating tenders for 48 civil works, for which, bribe amounts are being paid by the contractors to the Panchayat Engineers. Therefore, a team of vigilance officials headed by one Mr.Pandarinathan/2nd respondent, made a surprise inspection of the Panchayat Union Office around 12 noon on 11.10.2019 and totally recovered Rs.5,06,000/- from the staff there, which they were not able to properly account for.

4.As regards the allegation against the petitioner herein, the inspection team found one Devarajan, sitting in the office of Mr.Saravanan, Assistant Engineer; when they questioned him, he told that he was working as a Technical Assistant in the Engineering Department of the Panchayat for the last 22 years without a proper appointment order and was being paid Rs.5,000/- for assisting the Engineers in preparing the estimates; he further stated that Mr.Ramanathan (the petitioner herein) had told him that tender is going to be floated for 48 works on 11.10.2019 and that, he should collect the commission amounts from the contractors (bribe amounts), before the contracts are awarded and accordingly, he had collected the amounts and had kept it safely in an iron bureau kept near the southern wall; he pointed out that place to the vigilance officials and they recovered totally Rs.4,28,000/- from the said iron bureau.

5.Mr.M.Palanivel, learned counsel for the petitioner contended that the recovery was only from the Engineering Section and not from the office of the petitioner. He further contended that the petitioner cancelled the tenders and floated fresh tenders with the approval of the District Collector and therefore, the F.I.R. against him is an abuse of process of law.

6.Per contra, Mrs.P.Kritika Kamal, learned Government Advocate (Crl. Side) refuted the contentions raised by the learned counsel for the petitioner.

7.The fact remains that the petitioner was the Block Development Officer of the Panchayat Union at the relevant point of time and under his supervision, the Engineering Department was required to award civil contracts through tender process. When the inspection team conducted a surprise inspection on 11.10.2019, they found that one Devarajan, an interloper, was acting as a conduit between the officials and the contractors.

8.A complete reading of the F.I.R. shows that, various amounts of monies were recovered, not only at the instance of Devarajan, but also from the possession of the Engineers themselves. The petitioner was also present in the office, at

the time of inspection. Just because the office of the petitioner is located little away from the Engineering Department, the petitioner cannot be given a clean chit at the threshold. The office of the petitioner and the Engineering Department are both located in the same building.

9. The submission of the learned counsel for the petitioner that the tenders were subsequently cancelled and fresh tenders were given with the approval of the District Collector, cannot be a good reason to exonerate the petitioner and quash the F.I.R. that has been registered not only against him, but also against the Engineers and others. The case of the petitioner does not pass muster the law laid down by the Supreme Court in State of Haryana Vs. Bhajan Lal (AIR 1992 SC 604) for quashing the F.I.R. in Crime No.19/AC/2019 pending on the file of the Special Court for trial of cases under Prevention of Corruption Act, Salem.

In the result, this petition is dismissed as being devoid of merits.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. Special Court for trial of cases under
Prevention of Corruption Act
Salem

2. The Inspector of Police
Vigilance & Anti-Corruption
Salem District

3. The Public Prosecutor
High Court, Madras

SSD(CO)
RMP(11/11/2020)

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