



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Crl.O.P. (MD)No.3539 of 2020

G.Mohan

... Petitioner/A1

versus

1. The Inspector of Police,
Vigilance and Anti Corruption Unit,
Virudhunagar,
Virudhunagar District.
(Crime No.2 of 2009)

... 1st respondent/Complainant

2. Raja

... 2nd respondent/Defacto
Complainant

Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records in Crime No.2 of 2019 on the file of the 1st respondent herein and to quash the same.

For Petitioner	:	M/s.S.Muthalraj
For R1	:	Mr.K.K.Ramakrishnan Additional Public Prosecutor

ORDER

This petition is filed to quash the FIR in Crime No.2 of 2019 on the file of the 1st respondent herein.

2. The case of the petitioner is that he is only an Assistant Engineer working in Agricultural Engineering Department, Virudhunagar District and a fictitious complaint has been lodged by one Raja. Based on the said complaint, the respondent Police has registered a false case as against this petitioner. According to the petitioner, works have been carried out in accordance with the norms prescribed by NABARD.

3. Learned counsel appearing for the petitioner submits that on earlier occasion, this Court directed the respondent Police to file a counter affidavit. But, the respondent Police has not filed any counter so far.

4. Learned Additional Public Prosecutor expressed his inconvenience for filing the counter affidavit in view of the present situation. However, the learned Additional Public Prosecutor submits that this petitioner is accused No.1 and he along with accused No.2, the Assistant Executive Engineer in the Agricultural Engineering Department, has misappropriated the public

money to the tune of Rs.94,09,928/- in construction of check dams under NABARD Scheme. According to the learned Additional Public Prosecutor, a preliminary enquiry was conducted in this regard and the preliminary enquiry reveals that without doing work, the accused created bogus bills and they have misappropriated the public money. According to him, out of 277 works, 18 works have been carried out and 73 works have been partly completed and without doing 186 works, they have swindled the amount.

5. I have considered the rival submissions.

6. It is seen that the respondent Police after conducting the preliminary enquiry, satisfied with the prima facie materials, have registered the present case. However, there is no bar on initiation of the case based on the complaint given by any third party. Therefore, without expressing anything on the merits of the grounds raised by the petitioner, this Court deems it fit to dismiss the petition.

7. When this Court is not inclined to entertain this petition, the learned counsel for the petitioner requested this Court that in view of this case registered against this petitioner, he has not been allowed to retire from service and he is placed under suspension and sought indulgence of this Court to issue a direction to the respondent Police to complete the investigation as early as possible within a stipulated time.

8. In view of the limited relief sought for by the learned counsel for the petitioner, the respondent Police is directed to complete the investigation in Cr.No.2 of 2019 and to file a final report, within a period of six months from the date of receipt of a copy of this order.

9. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ogy/ksa

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

<https://hcservices.courtsofindia.gov.in/hcservices/>



To

1. The Inspector of Police,
Vigilance and Anti Corruption Unit,
Virudhunagar,
Virudhunagar District.

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

Crl.O.P. (MD)No.3539 of 2020
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