BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **27.02.2020**

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P(MD)No.3624 of 2020

G.Gomathi Sankar ...Petitioner / Sole Accused

Vs.

1.State represented by the
Inspector of Police,
Vigilance and Anti Corruption,
Thoothukudi Detachment.
(Crime No.05 of 2019) ...Respondent No.1 / Complainant

2.R.Balamurugan ...Respondent No.2 / De-facto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records and quash the impugned First Information Report in Crime No.05 of 2019, dated 06.05.2019, on the file of the first respondent.

For Petitioner : Mr.B.Ramkumar Adityan
For R-1 : Mr.K.Suyambulinga Bharathi
(Criminal side)

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in Crime No.05 of 2019, dated 06.05.2019, on the file of the first respondent.

2. The case of the prosecution is that the second respondent is running a “Prasad Stall” at Tiruchendur Arulmighu Subramaniya Swamy Temple for the past four years. The second respondent decided to run a Finance Company. Hence, he applied an Online Solvency Certificate and obtained the same. Thereafter, he applied for Money Lender License. The second respondent met the petitioner and enquired about the Certificate. The petitioner demanded a sum of Rs.20,000/- as illegal gratification for issuing the above said Certificate. In this connection, a case in Crime No.05 of 2019, was registered by the first respondent. On 06.05.2019, the petitioner received a sum of Rs.20,000/- from the second respondent and he was arrested. Thereafter, he was remanded

and this Court had granted him bail.

3. The learned counsel appearing for the petitioner submits that the second respondent / *de facto* complainant is running a Prasad Stall at Tiruchendur Arulmighu Subramaniya Swamy Temple for the past four years and he had applied for the Solvency Certificate, which was immediately processed and handed over to him. Thereafter, he had applied for Money Lender License, which was also processed immediately and he had received a copy of the license. Thereafter, he lodged a complaint after five days later and as to how the petitioner had demanded illegal gratification of Rs.20,000/- and trap was set up on the said complaint. He further submits that the petitioner is not an Authority to grant license and further for what purpose the demand has been made is already completed. He further submits that the petitioner has not made any demand and he has been falsely implicated in this case. The petitioner has also made a representation to the higher authorities, which was not considered. He further submits that the petitioner was immediately suspended from service and the suspension order has been recently quashed. Hence, he prays for quashing of this First Information Report.

4. The learned Government Advocate (Crl side) appearing for the State submitted that the investigation in this case is almost completed and the report along with the statement and documents have been produced to the Sanctioning Authority. The sanction order is awaited. Once sanction order is received, charged sheet would be filed immediately. In all probabilities, the sanction would be obtained within a period of two months.

5. Recording the submissions made by the learned Government Advocate (Criminal side), this Criminal Original Petition stands dismissed. The first respondent Police is directed to file a final report within a period of two months from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

tsg

To

1. The Inspector of Police,
   Vigilance and Anti Corruption,
   Thoothukudi Detachment.

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

+1 CC to M/s.B.RAMKUMAR ADITYAN, Advocate (SR-9277[F] dated 28/02/2020)

Order made in
CRL.O.P(MD)No.3624 of 2020
dated
27.02.2020

tsg
KK/09.03.2020/ 3P- 4C