



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2020

CORAM:

THE HONOURABLE Mr.JUSTICE M.DHANDAPANI

Cr1.OP(MD)No.6249 of 2020

WEB COPY

J.Jeyaseelan David

... Petitioner

Vs.

The Deputy Superintendent of Police
Vigilance and Anti-Corruption,
Kanyakumari Detachment
Kanyakumari District.
(Crime No.2 of 2016)

... Respondent

PRAYER: Petition filed under Section 482 of Criminal Procedure Code, praying to call for the records in Crime No.2 of 2016, on the file of the respondent Police and to quash the same.

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : Mr.K.Suyambulinga Bharathi
Govt.Advocate (crl.side)

ORDER

This Criminal Original Petition has been filed praying to quash the proceedings in Crime No.2 of 2016, on the file of the respondent Police.

2. The gist of the prosecution case is that the petitioner was a retired Government Servant and while he was working as an Agricultural Officer (Quality Control), under Joint Director of Agriculture, by abusing his official position, gave forged certificates for exporting of herbs, during the year 2010 and 2012. The certificates were issued in the name of Joint Director of Agriculture. Hence, an FIR has been registered by the respondent Police, against the Petitioner in Crime No.2 of 2016, for the offence punishable under Sections 465, 466 and 468 IPC., and Section 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988, on 23.09.2016.



3. Mr.K.P.Narayanakumar, the learned counsel appearing for the petitioner would submit that at the relevant point of time the petitioner issued Certificates to one M.S.S.Gopalan Asan, for cultivating 33 types of herbs, which has not been scheduled under the wild life or cultivation origin of species, specified in Wild Life Protection Act, 1972 and such certificates have been issued to enhance the cultivation of herbs in Kanyakumari District, under the name of the petitioner. Adding further, the learned counsel would submit that the petitioner has no roll against the file mentioned in FIR viz., SS2/2146/2010-11.

4. Continuing further, the learned counsel for the petitioner would submit that without any basis, the Law Enforcing Agency, registered the FIR against the petitioner and the petitioner has been suspended from service on the last date of his retirement. Therefore, the retirement and monetary benefits due to the petitioner have been kept pending. Though the respondent registered the case in the year 2015, till date, the enquiry has not been completed. Hence, the learned counsel prays for quashment.

5. Mr.K.Suyambulinga Bharathi, the learned Government Advocate (crl.side) appearing for the State contended that FIR in question cannot be quashed on the technical pleas raised by the petitioner. The FIR in question discloses cognizable offence against the petitioner. Hence, prays for dismissal of the quash petition.

6. At this juncture, the learned counsel appearing for the petitioner would submit that it is suffice to issue a direction to the Law Enforcing Agency, to complete the enquiry within a reasonable time.

7. In reply, the learned Government Advocate (crl.side) appearing for the State, on instructions, would submit that the enquiry will be completed within a period of eight weeks.

8. Considering the facts and circumstances of the case and also considering the limited scope of the relief now sought for by the petitioner, this Court, without expressing any opinion on the merits of the petitioner's claim, directs the respondent Police, to complete the enquiry pending in Crime No.2 of 2016, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



9. With the above observation, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar

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/ /2020

Sub Assistant Registrar(CS)

MPK

To

- 1.The Deputy Superintendent of Police
Vigilance and Anti-Corruption,
Kanyakumari Detachment
Kanyakumari District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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ck(CO)

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