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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

CRL.O.P.No.1099 of 2018

S.Tharmaraj

...Petitioner

Versus

1.The Inspector of Police,  
VAC Police Station,  
Puducherry.

2.Rakesh Chandra,  
The Director of School Education,  
Puducherry.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to quash the FIR in Cr.No.2 of 2007 pending on the file of the respondent and pass such other or further orders as this Court deems fit and proper in the circumstances of the case.

For Petitioner: Mr.C.A.Diwadkar

For Respondent : Mr.V.Balamurgane  
Additional Public Prosecutor  
(Pondicherry)

O R D E R

This petition has been filed to quash the FIR in Cr.No.2 of 2007 pending on the file of the respondent.

2. The petitioner, while serving as the Headmaster Grade-I, Thiruvalluvar Government Higher Secondary School, Ambagarathur, Karaikal, the Director of School Education filed a complaint stating that the petitioner has obtained false community certificate as if he belongs to Konda reddy community and further misappropriated the welfare fund to the tune of Rs.50,000/-, donated by O.N.G.C., Karaikal and temporarily misappropriated an amount of Rs.7,730/-, collected towards court attachment from one Mr.A.Janakiraman.



3. It is submitted that in respect of the first allegation with regard to obtaining false community certificate, the matter is pending before the competent authority and, therefore, the same cannot be investigated by the law enforcing agency. Insofar as the other two charges are concerned, though they are serious in nature, however, the FIR was registered in the year 2007 and no worthwhile development has taken place in the said investigation till date. The learned counsel appearing for the petitioner submits that the FIR has been deliberately kept pending for more than 10 years and, therefore, prays for quashment of the same. Alternatively, it is submitted by the learned counsel for the petitioner that if this Court feels that the quashment of the FIR is not permissible at this point of time, taking into account the fact that the complaint is of the year 2007, this Court may issue direction to the law enforcing agency to complete the investigation within a time frame fixed by this Court.

4. On a careful consideration of the charges against the petitioner, this Court is of the view that the charges are serious in nature, more particularly relating to misappropriation of amounts and, therefore, necessarily, the same has to be investigated and taken to its logical conclusion. Therefore, the submission made by the learned counsel for quashment of FIR is not sustainable.

5. Further, when the issue is pending enquiry before the law enforcing agency, in the absence of any substantive material, this Court would not be justified in appreciating the issue on the materials available. Further, it is to be pointed out that mere filing of a FIR does not mean that the petitioner has committed a fraud. The law enforcing agency has to conduct the enquiry and conclude the same. It is also to be pointed out that the investigating agency cannot take its own time to complete the investigation. The investigation has to be conducted and concluded as early as possible once a FIR is registered.

6. In the above backdrop of the facts and circumstances, the FIR having been registered in the year 2007, but the investigation having not been completed till date and only after giving necessary time to the law enforcing agency, the petitioner has come out with the present petition in the year 2018, this Court is inclined to give direction to the respondent to complete the investigation in Cr.No.2 of 2007, within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, this Criminal Original Petition is disposed of directing the 1<sup>st</sup> respondent to complete the



investigation in Crime No.2, within a period of four weeks from the date of receipt of a copy of this order.

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Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Inspector of Police,  
VAC Police Station,  
Puducherry.
- 2.The Director of School Education,  
Puducherry.
3. The Public Prosecutor,  
Puducherry.

CRL.O.P.No.1099 of 2018

SKY (CO)  
GN(22/07/2021)