

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.03.2021
CORAM:
THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
CRL.O.P.No.6018 of 2021
and
Crl.M.P.No.3941 of 2021

K.Kathiravan
S/o.Kamalanathan

... Petitioner

Vs.

The State Represented by its
Inspector of Police
Vigilance and Anti Corruption
City Special Unit-I, Chennai-28
(Crime N.5/2016/AC/CC-1)

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of Cr.P.C., to call for the records and quash the First Information Report in Crime No.5/2016/AC/CC-1, pending on the file of Inspector of Police, Vigilance and Anti Corruption CC-1, City Special Unit-1, Chennai.

For Petitioner : Mr.John Sathyan for
Mr.P.C.Thiyagu

For Respondent : Mr.T.Shunmuga Rajeshwaran
Government Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

The Criminal Original Petition has been filed by the petitioner to quash the First Information Report in Crime No.5/2016/AC/CC-1 pending on the file of the Inspector of Police, Vigilance and Anti-Corruption CC-I, City Special Unit-1, Chennai.

2. The case of the prosecution is that A1 to A10 including the petitioner/A2 committed criminal conspiracy and misappropriated funds allotted by the Government in implementing the various schemes for the welfare of the Fishermen through Tamil Nadu Fisheries Department. Based on the information, the case was registered in Crime No.5/2016/AC/CC-1 by Mr.Joy Dayal, Inspector of Police, Vigilance and Anti Corruption, City Special Unit-I, Chennai, for investigation.

3. The respondent has filed a status report today and the relevant paragraphs Nos.5, 6, 7 and 8 are extracted hereunder;

"5. It is submitted that based on the above information, a case was registered in V&AC Crime No.5/2016/AC/CC-I, Dt.27.06.2016, U/s.120(B), 409, 182 & 420 IPC, 13(2) r/w 13(1)(c) of PC Act on 27.06.2016 by F.Joy Dayal then Inspector of Police, V&AC, CSU-I, Chennai for investigation.

6. It is submitted that on the same day, the above said case was forwarded to Deputy Superintendent of Police, Vigilance & Anti-Corruption, CC-V, Chennai for further investigation.

7. It is submitted that during the course of investigation, the then Deputy Superintendent of Police examined 24 witnesses and accused persons including the petitioner/A2 on 14.06.2019 and recorded their statements and also collected document relevant to the case.

8. It is submitted that after completion of elaborate and detailed investigation, based on the statement of witnesses and material evidences, on 15.07.2019 RC80/216/FISH/CC-V the then Deputy Superintendent of Police submitted Draft Final Report before the Vigilance Commissioner, Chennai through the Director, Directorate of Vigilance and Anti-Corruption. The Vigilance Commissioner after perusing the entire records submitted by the Director, Directorate of Vigilance and Anti-Corruption, recommended for Departmental Disciplinary Proceedings against Public Servant including A2/Petitioner."

4. The learned Government Advocate (Crl. Side) would submit that the respondent have conducted a elaborate and detailed investigation and submitted the draft final report before the Vigilance Commissioner, Chennai through the Director, Directorate of Vigilance and Anti Corruption. The Vigilance Commissioner after perusing the entire records submitted by the Director, has recommended for Departmental Disciplinary Proceedings against the public servants including the petitioner who is arrayed as A2. He would further submit that an order has been received from the Principal Secretary to Government Animal Husbandry, Dairying & Fisheries (FS2) Department vide G.O. (D) No.254 dated 08.10.2020 recommending to drop further action against the public servants including the petitioner/the formerly upgraded VAO (under suspension). He would further submit that in view of the above, no further action is taken against the petitioner.

5. Recording the submission of the learned Government Advocate (Crl.Side) that based on the recommendation of the Government, further action against the petitioner has been dropped and no further action is required in this petition, this Criminal Original Petitions stands closed. Consecutively, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police
Vigilance and Anti Corruption
City Special Unit-I, Chennai-28
2. The Public Prosecutor,
High Court of Madras,
Chennai.

+1 cc to Mr.P.G.Thiyagu, Advocate, SR.NO.20948

CRL.O.P.No.6018 of 2021
and
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PMK(CO)
NS(04/05/2021)