



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2021

CORAM:

THE HON'BLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

Cr1.O.P. No.12611 of 2021

Mr. B. Vipin,

...Petitioner

Vs.

1.The State rep. by its
The Inspector of Police,
B-4, High Court Police Station,
High Court, Chennai - 600 104.
(Crime No.23 of 2019)

2. The Assistant Commissioner of Police,
CCB-I, Chennai - 600 008.

3. The Secretary,
Mr. C.Rajakumar,
Bar Council of Tamilnadu and Pondicherry,
Chennai - 600 104.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records in B-4, High Court Police Station, in Crime No.23 of 2019 on the file of the 1st respondent and now being investigated by the 2nd respondent and quash the same.

For Petitioner : Mr. G.Krishnamurthy
For Respondents 1&2 : Mr. E. Raj Thilak
(Counsel for Govt. of Tamil Nadu (Cr1. Side))

O R D E R

This Criminal Original petition has been filed under Section 482 Cr.P.C. to call for the records in Crime No.23 of 2019 on the file of the 1st respondent and now being investigated by the 2nd respondent and quash the same.

2. The case of the prosecution is that the petitioner while he was working as guard under Southern Railways, pursued his further studies on the basis of his basic degree B.Com from Madurai Kamaraj University and M.A. (Public Administration) through Venkateshwara University and further M.Sc. Psychotherapy



through Tamil Nadu Open University; by joining L.L.B, under S.B.R.T.M. College Kadappa controlled within Yogi Vemuna University, Kadappa in the year 2015 and completed successfully the course in the year 2018 with 47% of marks. Since he was Southern Railway Employee when he applied for permission to join college, he was orally permitted by his superior authorities to continue his studies considering his nature of work. It has further been submitted that on completion of his L.L.B. degree, he filed application for enrollment as an Advocate with the 3rd respondent authority. In the meanwhile, the petitioner was permitted to voluntarily retire on 20.05.2017. Apart from filing all necessary documents and certificates, the petitioner has paid a sum of Rs.60,000/- as required by the 3rd respondent authority. After submitting the application, the petitioner herein has approached the 3rd respondent regularly for his enrollment. On 06.11.2019, when enquired about his enrollment with the 3rd respondent, the petitioner was informed that his application was withheld without processing as he has produced LLB certificate without attending the law college regularly. Hence, the 3rd respondent made a complaint against the petitioner before the 1st respondent and based on the complaint, the 1st respondent police registered the complaint in Crime No.23 of 2019 against the petitioner. Hence, this Criminal Original Petition has been filed to quash the Crime No.23 of 2019 on the file of the 1st respondent herein.

3. The learned counsel for the petitioner would submit that the F.I.R did not contain the necessary facts to meet out ingredients of offences punishable under Section 8 and 12 of the Prevention of Corruption Act, 1988 and offence under Section 420 of IPC, is liable to be quashed. Since the advocate Mr. Ulaganathan and Mohandas referred in the complaint for having demanded and received rupees for getting favourable order from the enrollment committee and there retraction before the VII Metropolitan Magistrate, consequently, their discharge from the charges, the section 8 of the Prevention of Corruption Act is not applicable to the petitioner. Apparently, there is absolutely no evidence or facts against the petitioner. Hence, he prays to quash the said F.I.R in Crime No.23 of 2013 on the file of the 1st respondent herein.

4. The learned Government Advocate (Crl. Side) on instruction would submit that the petitioner was registered on the based of the complaint made by the 3rd respondent herein. The investigation is on in the regard.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondents 1 and 2.



6.The contentions put forward by the learned counsel appearing on behalf of the petitioner are purely factual in nature and this Court cannot venture into conducting a mini investigation into the matter and it therefore does not fall within the ambit of its jurisdiction under Section 482 of Cr.P.C. Any finding on facts will also have a bearing on the investigation conducted by the respondent Police.

7.In the facts and circumstances of the case, this Court is not inclined to interfere with the investigation conducted by the respondent Police at this stage.

8. In the result, this Criminal Original Petition is dismissed and the respondent Police is directed to proceed further with the investigation in accordance with law and complete the investigation and file a final report or a closure report, as the case may be, within a period of three months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed if any.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

Lbm

To:

The Inspector of Police,
B-4, High Court Police Station,
High Court, Chennai - 600 104.

2. The Assistant Commissioner of Police,
CCB-I,
Chennai - 600 008.

3. The Additional Public Prosecutor,
High Court of Madras, Chennai.

+1cc to Dr.G.Krishnamurthy, Advocate, S.R.No.36516

Cr1.O.P. No.12611 of 2021

BR(CO)
GN(14/09/2021)