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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

CRL.O.P.NO.18259 OF 2021

G.Vasanthi

.. Petitioner/Accused No.1

.Vs.

State rep. by
Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Krishnagiri. (Crime No.3/AC/2020)

.. Respondent/Complainant

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records to quash the F.I.R in Crime No.3/AC/2020, dated 03.02.2020, pending investigation on the file of the respondent.

For Petitioner : Mr.M.Jagdeesan
for Mr.P.Ezhil Nilavan

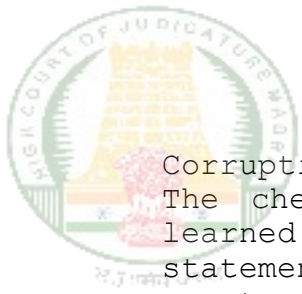
For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This petition has been filed seeking interference with the investigation in F.I.R in Crime No.3/AC/2020, now under investigation by the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Krishnagiri.

2. The petitioner has been arrayed as A1. The petitioner is working as Deputy Director of Town and Country Planning in Dharmapuri.

3. The learned Counsel for the petitioner states that the petitioner does not know who are A2, A3 and A4 and claims ignorance about them. At any rate, the First Information Report had been registered in Crime No.3/AC/2020 by the respondent Police under Section 13(2) r/w 13(1)(b) of Prevention of



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Corruption Act, 1988, as amended by the Amendment Act, 2018. The check period had been fixed between 2016 to 2019. The learned Counsel for the petitioner also states that the statement of assets and liabilities had disclosed all the assets, at the relevant point of time.

4. It is the case of the prosecution that the petitioner had accumulated assets of about Rs.59,00,000/-, which the respondent had claimed as inappropriate to the known sources of the petitioner.

5. The learned Additional Public Prosecutor stated that the investigation is underway and assessment of the assets of the petitioner are on going.

6. Let me not, therefore, delve deeply into the facts of the case and give liberty to the investigating officer. On assessment of the assets at the beginning of the cheque period and at the end of the cheque period, the income, at the beginning of the cheque period and the income, during the cheque period, the likely savings during the cheque period and likely expenditure during the cheque period, the investigating officer would come to a conclusion with respect to the assets acquired by the petitioner herein, during the course of the cheque period.

7. On conclusion of that particular investigation, necessarily, the investigating officer is placed under an obligation to get the remarks of the petitioner herein. The petitioner, will, certainly, be afforded every opportunity to give his explanation with respect to the conclusion drawn by the investigating officer. At that particular point of time, the points now urged by the learned Counsel for the petitioner namely that out of the four properties, two properties had been purchased after obtaining prior permission from the department, much earlier to the check period and two properties had been settled in favour of the petitioner, by his parents, will be taken into consideration by the investigating officer. Explanation given by the petitioner herein with respect to the movable properties like jewels and other items will, certainly, be considered by investigating officer himself.

8. In view of that obligation placed on the investigating officer, which, I am confident, will be adhered by him during the course of investigation, I hold that interference by this Court to curtail the investigation at the preliminary stage would not even be to the advantage of the petitioner herein. If he is able to give proper explanation that he can come out of the entire implication, as alleged in the First Information Report.



9. Therefore, I hold that both keeping the present petition on the board of this Court and short circuiting the investigation would both be exercises in futility and I would, therefore, dismiss the petition, but, however, place an obligation on the investigating officer as aforesaid to discharge his duty to get proper explanation from the petitioner herein.

10. With the above said observation, the present Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

grs/tri

To

1. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Krishnagiri.
2. The Public Prosecutor,
High Court, Madras-104.

+1cc to Mr.P.Ezhil Nilavan, Advocate, S.R.No.52244

Crl.O.P.No.18259 of 2021

JP-II(CO)
CS/08/11/2021