



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

Crl.O.P.(MD) No.2717 of 2021

and

Crl.M.P.(MD) No.1439 of 2021

T.Velusamy

... Petitioner/Sole Accused

Vs.

1.The State of Tamilnadu,
represented by the
Deputy Superintendent of Police,
Vigilance and Anti-Corruption Wing,
Sivagangai.
(Crime No.3/2020)

... Respondent/Complainant

2.Sittu

... Respondents/Defacto Complainant

PRAYER: This Petition filed under Section 482 of the Code of Civil Procedure, to call for the records pertaining to the case in Crime No.03 of 2020 on the file of the 1st respondent and quash the same.

For Petitioner : Mr.R.Narayanan

For R1 : Mr.A.P.C.OHM.Chairma Prabhu
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to quash the FIR in Crime No.03 of 2020 on the file of the 1st respondent.

2.The learned counsel appearing for the petitioner would submit that the petitioner had been working as Revenue Inspector in the Municipal Office, Devakottai, Sivagangai District and he rendered his unblemished service for the past 30 years, without any adverse remarks. While so, the petitioner sent a notice to the Commissioner of Devakottai Municipality Office regarding recovery of tax within the Municipality limit of Devakottai, based on which recovery was made and there were about 5 persons, who had not paid due. Therefore, the petitioner had sealed the properties of those 5 persons and to prove the same, additional typed set of papers have been furnished by him.

3.The learned counsel would further submit that the 2nd respondent/the *de-facto* complainant, in this case, had approached the petitioner for assessment of the property. The claim made in the complaint is that on 13.10.2020, when the *de-facto* complainant approached the petitioner regarding assessment, the petitioner demanded money for the same, but the same was not proved.



4.It is the case of the petitioner that he had visited the property of those 5 persons along with the Bill Collector and assessed the revenue of the same and informed the same on 08.10.2020 to the de-facto complainant through his mobile. The amount imposed to the de-facto complainant, was Rs.12,600/- and the same has also been informed to the de-facto complainant through mobile phone and thereafter, the transactions were done through on-line process. Therefore, there is no question of corruption involved.

5.The learned counsel would further submit that only in order to wreak vengeance with the help of those persons, who are not ready to pay dues and want to escape from the disciplinary action taken by the Municipality, the de-facto complaint has given a false complaint, based on which, the petitioner had been trapped. Therefore, the petitioner had approached this Court for appropriate relief.

6.The learned Government Advocate (Crl.Side) appearing for the 1st respondent/complainant has filed a counter affidavit on behalf of the 1st respondent stating that based on the complaint given by the de-facto complainant trap was made, in the presence of the de-facto complainant's husband and official shadow witness. The petitioner/accused counted four 500 rupees notes and then kept the same in his table drawer. Thereafter, phenolphthalein test was done and the same also ended positive. Hence, the petitioner was arrested and now investigation is in primary stage.

7.Considering the facts and circumstances of the case and on a perusal of the counter affidavit filed on behalf of the 1st respondent, this Court is of the view that this is not a fit case for quashing of the FIR in Crime No.03 of 2020 on the file of the 1st respondent. Hence, this Criminal Original Petition is liable to be dismissed and accordingly, the same is dismissed with a direction to the 1st respondent/Investigation Officer to complete the investigation and to file a final report within a period of 3 months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Wing,
Sivagangai.

<https://hcservices.ecourts.gov.in/hcservices/>



+1 CC to M/s.R.NARAYANAN, Advocate (SR-15969[F] dated 16/04/2021)

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16.04.2021

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