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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2022

CORAM:

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P.No. 356 of 2022

and

Crl.M.P.No. 115 of 2022

M.Vadivelan,
S/o. R.Marimuthu

... Petitioner

Versus

The State rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
Dharmapuri,
Dharmapuri Dt.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records pending on the file of respondent police viz., the Inspector of Police, Vigilance and Anti-Corruption, Dharmapuri, Dharmapuri District in Crime No.04/AC/2021 and quash the criminal proceeding as against the petitioner alone.

For Petitioner : Mr.V.Parthiban

For Respondent : Mr.C.E.Pratap,
Govt. Advocate (Crl. Side)

ORDER

(This case has been heard through video conference)

This Criminal Original Petition has been filed to quash the criminal proceeding in Crime No.04/AC/2021, on the file of respondent police for the offence under Sections 120(B), 167, 409, 420, 465, 471 of I.P.C r/w 13(2) r/w 13(1)(c) and (d) of the Prevention of Corruption Act, 1988.



2. Totally, there are six accused. The petitioner is arrayed as A1. The allegation is that the petitioner was working as Block Development Officer in Karimangalam Panchayath Union, and while implementing the scheme called "Pradan Mantri Awaas Yojana Gramin", for providing house with basic amenities to all houseless citizens, the accused has selected five persons, who were not in the beneficiary list, thereafter, deposited the amount in the accounts of some other persons, who were not selected as beneficiaries. Thereafter, all the accused have misappropriated the funds. Hence, the complaint was registered for the offence under Sec. 120(B), 167, 409, 420, 465, 471 of I.P.C r/w 13(2) r/w 13(1)(c) and (d) of the Prevention of Corruption Act, 1988, to quash the F.I.R., the present petition has been filed.

3. Mr. V.Parthiban, learned counsel appearing for petitioner would submit that the petitioner, who was working as Block Development Officer, his duty is only to supervise and verify the beneficiaries list and he has no role in identification of each beneficiaries. Hence, only the other officers have committed the offence and he has been falsely implicated in this case. Earlier, the Government has initiated departmental proceedings against the petitioner and after enquiry, he was exonerated from all the charges. Thereafter, for the very same allegation, the present F.I.R. has been registered. The learned counsel would submit that, for the very same allegation, there cannot be two parallel proceedings. Hence, he prayed to quash the proceedings as against the petitioner.

4. Heard rival submissions and perused the records.

5. The allegation against the petitioner is that, he along with other accused hatched criminal conspiracy and deposited amounts in favour of five persons, who were not the beneficiaries. Thereafter, they have transferred the amount to some other persons accounts and misappropriated the funds. The learned counsel appearing for petitioner submitted that, for the similar allegation, a departmental proceedings initiated against the petitioner and finally, he was exonerated from all the charges and there cannot be parallel criminal proceedings for the very same charge. Whereas, from the perusal of charges framed in the departmental proceedings, it is seen that the charges framed against the petitioner only for dereliction of duty and there is no charge for misappropriation or cheating, and the charges are not similar. The materials available on record to a prima facie make out a cognizable offence against the petitioner and I find no reason to quash the criminal



proceedings at this stage. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected Criminal Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Vigilance and Anti-Corruption,
Dharmapuri,
Dharmapuri Dt.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.Parthiban, Advocate, S.R.No.2224

CRL.O.P.No. 356 of 2022

MT[co]
NSK 31/01/2022