



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2022

CORAM :

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.5386 of 2022

1.M.Kamaraj

2.Ganesa Moorthy

...Petitioners / Accused

Vs

1.The State of Tamil Nadu,
Represented by Inspector of Police,
District Crime Branch,
Villupuram District.
Crime No.25 of 2016

...1st Respondent / Complainant

2.Suresh Kumar
Block Development Officer,
Vanur Panchayat Union,
Thiruchithambalam,
Villupuram District.

...2nd Respondent / Defacto
Complainant

Prayer : Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, pleaded to call for the records in Crime No.25 of 2016 dated 09.07.2016 on the file of the respondent police and quash the same.

For Petitioners : Mr.M.Manigopi

For R1 : Mr.A.Gokulakrishnan
Additional Public Prosecutor

For R2 : No Appearance

O R D E R

This Criminal Original Petition has been filed to call for the records in Crime No.25 of 2016 dated 09.07.2016 on the file of the respondent police and quash the same.

2. The petitioners stand accused of committed offence punishable under Sections 406, 409 and 420 of IPC on the basis of the complaint lodged by the second respondent/de facto complainant.



3. Learned counsel for the petitioners would submit that the petitioners are innocent and they had falsely implicated in this case. He would also submit that the petitioners have served as the President and Vice President during the year 2016 to 2011 and they have been serving the people for development of the Panchayat and they have not committed any offence of criminal breach of trust or cheating. Hence, he prayed to quash the FIR in Crime No.25 of 2016.

4. Learned Additional Public Prosecutor would submit that the petitioners had abused their position as President and Vice President by fabrication and falsification of the accounts had misappropriated panchayat funds to the tune of Rs.14,43,659/-. He would further submit that the investigation is also at the initial stage and the grounds raised by the petitioners are factual in nature and without any legal points, the proceedings cannot be quashed.

5. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor for the first respondent and perused the materials available on record.

6. It is seen from the First Information Report that there are specific allegation as against the petitioners, which has to be investigated. Further the FIR is not an encyclopedia and it need not contain all facts. Therefore, it cannot be quashed on the threshold. This Court finds that the FIR discloses prima facie commission of cognizable offence and as such, this Court cannot interfere with the investigation. The investigating machinery has to investigate, grab and unearth the crime in accordance with the procedures prescribed in the Code.

7. In view of the above, this Court is not inclined to quash the FIR in Crime No.25 of 2016. Accordingly, this Criminal Original Petition is disposed of. However, the first respondent is directed to complete the investigation and file the final report as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ham/rgi



To

1.The Inspector of Police,
District Crime Branch,
Villupuram District.

2.The Public Prosecutor,
High Court, Madras.

+lcc to Mr.M.Manigopi, Advocate, Sr.No.15766

Cr1.O.P.No.5386 of 2022

SRA (CO)
RVM(24/03/2022)