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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on
14.03.2022

Orders pronounced on
25.03.2022

CORAM

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.4638 of 2022
and
Crl.M.P.No.2583 of 2022

Mrs.Siva Priya

... Petitioner

Vs.

The Deputy Superintendent of Police
Vigilance and Anti Corruption
Chennai City Unit-III
Office of the Directorate of V & AC
Alandur, Chennai - 600 016.

... Respondent

This Criminal Original Petition is filed under Section 482 Cr.P.C. to call for the records pertaining to F.I.R in Crime No.2/AC/2017/CCIII dated 12.10.2017 under Section 102 of Cr.P.C. and 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, pending on the file of respondent police and quash the same as illegal and arbitrary and pass such necessary order as this Hon'ble Court may deem fit in the circumstances of the case.

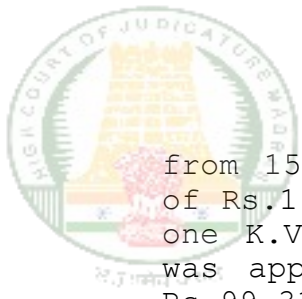
For Petitioner : M/s.Chandrasekar

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

ORDER

This Petition is filed to call for records pertaining to F.I.R in Crime No.2/AC/2017/CCIII dated 12.10.2017 under Section 102 of Cr.P.C. and 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, pending on the file of respondent police and quash the same as illegal and arbitrary

2. The gist of the case, from the reading of the aforesaid First Information Report, is that when a joint surprise inspection was conducted by the Department of District Inspection Cell and Department of Vigilance and Anti Corruption, at the office of Joint Sub-Registrar, Saidapet, on 11.10.2017



from 15.30 hours to 21.20 hours, unaccounted money to the tune of Rs.1,13,755/- was recovered. On seeing the inspecting party, one K.Vijayan, S/o.Kuppusamy tried to flee from the office. He was apprehended and on search, he was found in possession of Rs.99,310/-. There are other unaccounted monies available. Totally a sum of Rs.1,13,755/- was not properly accounted by Tmt.V.Siva Priya, Joint Sub-Registrar, Saidapet. Therefore, this case was registered.

3. Learned counsel for the petitioner submitted that this case was foisted falsely against the petitioner. There is no material to implicate the petitioner with the alleged seizure of unaccounted money. Therefore, he prayed for quashing the First Information Report.

4. In response, learned Additional Public Prosecutor submitted that on completion of investigation, it was found that there was no material evidence to prosecute Tmt.V.Siva Priya and therefore, departmental action was recommended by Department of Vigilance and Anti-Corruption. Charge memo was sent to the Inspector General of Registration, Santhome High Road, Chennai-28 for issuing charge memo against Tmt.V.Siva Priya. Therefore, he prayed for the dismissal of this petition.

5. Considered the rival submissions. This Court called for the records relating to investigation and perused the records.

6. It is seen from the statement of witnesses that some witnesses, namely, Raman, Shanavas @ Fathima, Valli, Shanthi, M.Radhakrishnan and P.S.Jairajagopal have implicated the petitioner with Thiru.Vijayan, from whom, a sum of Rs.99,310/- was recovered. They alleged that Vijayan was acting at the instruction of petitioner. However, the memorandum filed by the respondent shows that there is no material evidence available to prosecute the petitioner. This being a petition to quash the First Information Report, when it is submitted by the respondent that there is no material evidence available to prosecute the petitioner and only departmental action was recommended, this Court is of the considered view that nothing remains to be decided in this petition. Therefore, this petition is liable to be dismissed.

7. However, considering the statements given by the aforesaid witnesses implicating the petitioner with Vijayan, from whom a sum of Rs.99,310/- was recovered, this Court directs the respondent to file final report before the concerned Court for the Court to take a decision on the final report on merits and in accordance with law.



8. In the result, this petition is dismissed. Connected Miscellaneous Petition is closed.

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Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mra

To

1. The Deputy Superintendent of Police
Vigilance and Anti Corruption
Chennai City Unit-III
Office of the Directorate of V & accused
Alandur, Chennai - 600 016.
2. The Public Prosecutor,
Madras High Court,
Chennai.

+1cc to M/s.Chandrasekar, Advocate, S.R.No.20548

Cr1.O.P.No.4638 of 2022 and
Cr1.M.P.No.2583 of 2022

BR(CO)
CT 06/04/2022