



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2022

CORAM:

THE HON'BLE MR.JUSTICE G.CHANDRASEKHARAN

CRL.O.P.No.8219 of 2021
and
Crl.M.P.No.5438 of 2021

Sivakumar

... Petitioner

Vs

State rep by
Inspector of Police,
Vigilance & Anti Corruption,
Thiruvannamalai District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records and quash the FIR in Cr.No.6/2020 for an offence U/s.13(2)r/w 13(1) (a) of Prevention of Corruption Act along with Sec 409, 467, 471, 468, 465 r/w 471, 477A IPC on the file of the respondent.

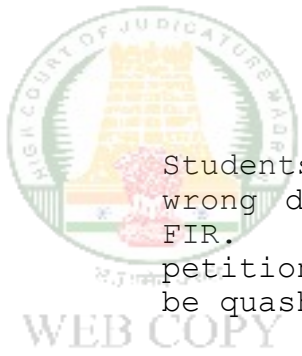
For Petitioner : Mr.J.C.Durairaj

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

ORDER

This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.6 of 2020, for the offences under Section 13(2)r/w 13(1) (a) of Prevention of Corruption Act along with Sections 409, 467, 471, 468, 465 r/w 471 and 477A IPC, on the file of the respondent.

2. The learned counsel for the petitioner submits that the entire allegation against the petitioner is that he misappropriated the funds pertaining to maintaining the College Hostel under Adidraavidar Welfare Board, Tiruvannamalai District. The petitioner was appointed as a II Grade teacher in Adidraavidar Middle School, Valavetty, Tiruvannamalai District on 03.09.2007. Later, posted as II Grade Warden in Government Adidraavidar Welfare Student Hostel Boys on 31.10.2014 and has been functioning as the Hostel Warden during the said period and not as College Warden. In the FIR, it is shown that the petitioner is a Hostel Warden of Government Arts College



Students Hostel, Adidraavidar Welfare, Tiruvannamalai. This wrong designation of the petitioner is a fatal mistake in the FIR. There is no case to proceed further against the petitioner and therefore, the FIR against the petitioner has to be quashed.

3.The learned Additional Public Prosecutor submits that it is purely a clerical and typographical error in the FIR, mentioning the petitioner as the Hostel Warden of Government Arts College Students Hostel, Adidraavidar Welfare, Tiruvannamalai. In fact, he is the Warden of the Government Adidraavidar Welfare Students Hostel. Merely because it is wrongly typed as Hostel Warden of Government Arts College Students Hostel, Adidraavidar Welfare, Tiruvannamalai, it cannot be said that there is no case made out against the petitioner. The learned Additional Public Prosecutor has also produced the bills, vouchers and records to show that the petitioner is functioning as Warden in Government Adidraavidar Welfare Student Hostel, more specifically, II Grade Warden in Government Adidraavidar Welfare Student Hostel Boys. Even in the petition, it is submitted by the petitioner that the petitioner was functioning as II Grade Warden in Government Adidraavidar Welfare Student Hostel Boys. Therefore, merely because it is wrongly mentioned in the FIR that the petitioner was Hostel Warden of Government Arts College Students Hostel, Adidraavidar Welfare, Tiruvannamalai, he cannot seek for quashing the criminal proceedings.

4. Considering the seriousness of the allegation against the petitioner and the other accused, wherein, it is alleged that they have misappropriated the money meant for food and other expenses relating to the students in the Adidraavidar Welfare Board, this Court is of the considered view that a detailed investigation in this case is necessary and the FIR can be quashed only if no offence is made out. Since a prime facie case is made out against the petitioner and also the other accused in this case, this is not a fit case for quashing, therefore, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
Vigilance & Anti Corruption,
Thiruvannamalai District.

2. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.8219 of 2021 and
Crl.M.P.No.5438 of 2021

PMK (CO)
CT 16/03/2022