



Crl.O.P.No.20195 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.20195 of 2022

and

Crl.M.P.No.13279 of 2022

Siva Thangarasu, (Aged 36 years)
S/o.Sundaramoorthy,
Sub-Inspector of Survey,
Survey Mobile Unit,
Kurinjipadi Taluk,
Cuddalore District.

... Petitioner

Vs.

1.The Inspector of Police,
Vigilance & Anti-Corruption,
Cuddalore.
(Crime No.3/2022)

2.K.Neelakandan,
S/o.Kolanjiappan,
Nesavalarkudiyiruppu,
Meenakshipettai,
Kurinjipadi Taluk,
Cuddalore District.

... Respondents

PRAYER : This Criminal Original Petition is filed under Section 482 of



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Cr.P.C., to call for the entire records pertaining to the Crime No.3 of 2022 on the file of the Inspector of Police, Vigilance & Anti-Corruption, Cuddalore and quash the same.

For Petitioner : Mr.B.Kumarasamy

For Respondents : Mr.S.Udayakumar (for R1)
Government Advocate (Crl. Side)

Mr.L.Mouli (for R2) – No Appearance

ORDER

This Criminal Original Petition has been filed to call for the entire records pertaining to Crime No.3 of 2022 on the file of the Inspector of Police, Vigilance & Anti-Corruption, Cuddalore and quash the same.

2.The Petitioner, who is A1 in Cr.No.3 of 2022 for the offences under Section 7 of Prevention of Corruption Act, filed this quash Petition.

3.The contention of the Petitioner is that the Respondent police failed to follow the procedures laid down in Vigilance manual before registering the case and without conducting any preliminary enquiry about the authenticity of the complaint, in a haze registered the case and



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conducted trap proceedings. The Petitioner was appointed in the revenue department as Field Surveyor only on 24.01.2013 and during 2018 promoted as Taluk Deputy Surveyor and posted in Panruti and later transferred to Kurinjipadi Taluk Officer. It is alleged that the Petitioner demanded and received a sum of Rs.6,000/- from the decoy witness for issuance of patta. The Petitioner has got no authority to issue patta, who is only a Surveyor and his nature of job is only to find out boundaries of the revenue lands and survey the lands, whenever appropriate applications are received from the applicants. The specific case of the decoy witness is that he sought patta and approached the Tahsildar and the Petitioner received the bribe amount. In this case, the Tahsildar is not an accused to whom patta transfer application had been submitted. A2 is a Village Assistant who had come along with the Petitioner to identify the land for surveying and nothing more. Hence, the Petitioner has got no authority for issuance of patta. In view of the same, prayed for quashing of case against him.

2.Mr.S.Udayakumar, learned Government Advocate (Crl. Side) appearing for the Respondent submitted that in this case, investigation has



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already been completed and is about to file charge sheet.

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3.In view of the fact that investigation has already been completed and charge sheet is to be filed shortly before the trial Court. This Court is not inclined to entertain this Petition. Hence, this Criminal Original Petition is dismissed. Consequently, connected Miscellaneous Petition is closed.

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Internet : Yes/No

Index : Yes/No

Speaking order/Non-speaking order

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To

The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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