



Crl.O.P.No.23303 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2022

CORAM:

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.23303 of 2022
and M.P.No.14885 of 2022

V. Pradhapan

... Petitioner

Vs

1. State rep.by
The Inspector of Police,
CBCID North,
Thiruvallur Distrit.
(Crime No.1 of 2020)

2. The Joint Director
Agriculture Department,
Tiruvallur District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying this Court to call for the records of the 1st respondent in FIR No.1 of 2020 registered as Crime No.1 of 2020 on the file of the CBCID North, Tiruvallur District and quash the FIR insofar as it pertains with the petitioner herein.



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For Petitioner : Mr. R. Ramachandran

For Respondents : Mr.S.Santhosh
Government Advocate (Criminal side)

ORDER

This criminal original petition has been filed to call for the records of the 1st respondent in Crime No.1 of 2020 on the file of the CBCID North, Tiruvallur District and quash the same.

2. The learned counsel for the petitioner submitted that the petitioner was working as an Assistant Agricultural Officer in the office of the Assistant Director of Agriculture, Ellapuram Block. He is no way connected with the benefits availed by many people by using the Prime Minister Kisan Samman Nidhi (PM-KISAN). Under that scheme several beneficiaries were entitled to get a sum of Rs.6,000/- per year in three installments. The second respondent/ Joint Director, Agriculture Department, Thiruvallur District gave a complaint before the concerned DCB on 14.09.2020 that after analysing the data registered in the GOI portal from 01.04.2020 by the Department of Agriculture, it was suspected that fraudulent activities have been committed in



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this District in respect of farmer's approval in the portal and many unfit people availed the benefits and for getting the benefits fraudulently, they were utilising CSC computer centre. This petitioner is no way connected with this e-scam and he was not given any false benefit from the Prime Minister Kisan Samman Nidhi, he is only a Government Servant. Therefore police foisted the case falsely and seeking to quash the same, the present petition has been filed.

3. The learned Government Advocate (Crl.side) submitted that admittedly the petitioner is working as an Assistant Agricultural Officer in the office of the Assistant Director of Agriculture, Ellapuram Block and on investigation, it is found that during the Covid period he created a fake password and had taken the Government money to the tune of Rs.28 crores and still the matter is under investigation to find out how much money has been misappropriated by the petitioner and the investigation is at initial stage and strongly objected for quashing the FIR.

4. Heard both sides and perused the materials available on record.



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5. On perusal of the records, it is seen that a case has been registered in Crime No.1 of 2020 for offences under Sections 420, 465, 467, 468, 471 IPC r/w Sections 43, 66C of Information Technology Act, 2000 on 14.09.2020 by the first respondent police on a complaint given by one G.Pandiyan, Joint Director of Agriculture (i/c) Thiruvallur District that he had received complaint from many persons that the benefits provided under Prime Minister Kisan Samman Nidhi (PM KISAN) were utilised by people who were unfit for getting the same under that scheme. The first respondent police had received the complaint in that regard and from 01.04.2020 many people received Rs.4,000/- in two installments with the help of CSC Computer centre. Actually, they were not entitled to get the benefit and not eligible persons. Therefore, they suspected CSC computer centre would have helped them by providing information and password for getting the benefits. Based on the complaint, the first respondent police registered a case and on investigation, they found that this petitioner, being an Assistant Agricultural Officer in the office of the Assistant Director of Agriculture, Ellapuram, got benefits by utilising fake password and other documents. So far, there was misappropriation of Rs.28 crores from the Government and further



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investigation is going on. Therefore, if cognizable offence is made out, it should be investigated. The investigation is at initial stage and it does not meet the parameters laid down by the Supreme Court in ***State of Haryana vs. Ch.BhajanLal (AIR 1992 SC 604), M/s Neeharika Infrastructure Pvt. Ltd. Vs. State of Maharashtra and others (2021 SCC online 315) & PRATIBHA RANI Vs.SURAJ KUMAR & ANR (1985 CrI.L.J.817)***. Therefore, it is inappropriate to quash the FIR and close the investigation at the beginning stage. Therefore, I find no merit and investigation is to be conducted to find out the truth.

6. Accordingly, the criminal original petition is dismissed. Consequently, connected miscellaneous petition is closed.

27.09.2022

Index:Yes/No
Speaking/Non speaking order
dpq



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To

1. The Inspector of Police,
CBCID North,
Thiruvallur Distrit.
(Crime No.1 of 2020)
2. The Joint Director
Agriculture Department,
Tiruvallur District.
3. The Public Prosecutor,
High Court of Madras.



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V. SIVAGNANAM, J.

dpq

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