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IN THE HIGH COURT OF JUDICATURE AT MADRAS

[ORDERS RESERVED ON : 15.02.2022]

[ORDERS PRONOUNCED ON : 22.02.2022]

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THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

CRL.O.P.No.23972 of 2021

Mrs.A.Dhanalakshmi

... Petitioner

Vs.

1. State represented by:
Additional Superintendent of Police
Special Investigation Cell,
Vigilance anti-corruption Wing,
Chennai City,
Chennai - 600 016.

2. Selvi

... Respondents

Prayer :- Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to call for the records in F.I.R Crime No.8/2021/AC/CCI of 2021 dated 11.10.2021 on the file of Additional Superintendent of Police, Special Investigation Cell, Vigilance anti-corruption Wing, Chennai City, Chennai - 600 016.

For Petitioner : Mr.P.Subba Reddy

For Respondents : Mr. E.Raj Thilak,
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to call for the records in F.I.R Crime No.8/2021/AC/CCI of 2021 dated 11.10.2021 on the file of Additional Superintendent of Police, Special Investigation Cell, Vigilance Anti-corruption Wing, Chennai

2. This F.I.R came to be registered on the basis of complaint given by one Selvi, W/o.Raju against the petitioner/accused- Mrs.A.Dhanalakshmi.

3. It is seen from the complaint allegations that the defacto-complainant's daughter was cheated by Thilagar, the said Thilagar had intercourse with her daughter R.Karthika giving a false promise to marry her. Therefore, a case was registered



against him and others under Sections 376, 417 I.P.C and Section 4 of Women Harassment Act at Ambattur Police Station. Final report was filed in this case and case is pending for trial in Mahila Court, Tiruvallur.

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4. On 29.02.2016, the defacto-complainant and her daughters gave evidence in this case. The Public Prosecutor A.Dhanalakshmi asked the defacto-complainant to meet her at her office and on visiting her office, she demanded Rs.50,000/- to her for the proper conduct of the case, otherwise she would not conduct the case properly. When defact-complainant expressed her inability to pay Rs.50,000/- and offered to pay Rs.10,000/-, she refused to receive Rs.10,000/- and demanded atleast Rs.25,000/- should be paid.

5. On 18.04.2016, a sum of Rs.5,000/- was paid to her and again, a sum of Rs.5,000/- was paid on 09.05.2016. Petitioner asked the defacto-complainant to come to the Court on 02.01.2017 and informed her that the case reached the final stage, she has to pay money to the Judge and submit her arguments. Therefore, she demanded her to pay Rs.50,000/- for getting a conviction, else the case would end in acquittal. The defacto-complainant told her that she cannot pay Rs.50,000/- and offered to pay Rs.10,000/- and that was refused by her. Defacto-complainant appeared before the Court through Advocate Duraikannan for arguments on her behalf on 09.01.2017. The case was adjourned to 3.00 P.M. Petitioner scolded the defacto-complainant that instead of paying Rs.50,000/- to her, she conducts the case through an Advocate. She said that she would see to that how they would win the case. The case was adjourned to 24.01.2017. The defence Advocate visited the office of the petitioner on the same day. Under the circumstances, this complaint was given and the aforesaid F.I.R was registered. This Criminal Original Petition is filed to quash this F.I.R.

6. The learned counsel for the petitioner submitted that the complaint is a motivated and false complaint. It was given only to defame and spoil the career of the petitioner. The employment of the petitioner as a Special Public Prosecutor was terminated by the District Collector by his order in e/f/3995-2019-\$p1. ehs;/16/10/2019/ The learned counsel for the petitioner submitted that though the incident said to have been happened during the period 2016 to 2017, the F.I.R was registered only on 11.10.2021. Considering the delay in registering the F.I.R. and also the fact that this is a false and motivated complaint, the learned counsel for the petitioner prayed for quashing the F.I.R.

7. Learned Additional Public Prosecutor opposed this petition and submitted that there is prima facie case to proceed



against the petitioner.

8. Considered the submission of learned counsel for the petitioner, learned Additional Public Prosecutor and perused the records.

9. The petitioner was appointed as a Special Public Prosecutor, Fast Track Court, Tiruvallur District, on a temporary basis, by an order passed in G.O.(D)No.680 Home [Cts VIA] Department, dated 02.09.2015. It is true that the defacto-complainant-Selvi had given complaint against the petitioner in the year 2017 and First Information Report was registered only in the year 2021. The complaint is dated 10.01.2017. After Preliminary enquiry, F.I.R was registered on 11.10.2021. The defacto-complainant cannot be found fault for the delay in registration of the F.I.R. Delay in registration of the F.I.R cannot be a sole ground for quashing the F.I.R. The reading of the allegations made in the complaint clearly shows that there was a demand from the petitioner to the defacto-complainant that she should pay Rs.50,000/- for proper conduct of the case pending before the Mahila Court, Tiruvallur. At this stage, this Court cannot go into the question as to whether the allegations made against the petitioner in the complaint are true or false. It is well settled principle that only if the F.I.R does not disclose the commission of an offence, the Court would be justified quashing the proceedings. The complaint makes out a prima facie case against the petitioner. The respondent-police should be given an opportunity to investigate on the allegations made against the petitioner and take an informed and considered decision with regard to the further course of action. As of now, there is a prima facie case made out for registering the F.I.R and proceed with the investigation in this matter.

10. This Court finds that the petition to quash the F.I.R in Crime No.8/2021/AC/CC1 of 2021 dated 11.10.2021 is unsustainable and liable to be dismissed.

11. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1. The Additional Superintendent of Police
Special Investigation Cell,
Vigilance anti-corruption Wing,
Chennai City,
Chennai - 600 016.

2. The Public Prosecutor
High Court of Madras.

Copy to:-

The Judge,
Mahila Court,
Tiruvallur.

+1cc to Mr.P.Subba Reddy, Advocate, S.R.No.11661

CRL.O.P.No.23972 of 2021

SV(CO)
CT 22/03/2022