



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.29532 OF 2017 &
CRL.M.P.NO.16686 OF 2017

Abdul Kareem

...Petitioner / Accused

Vs

1.The State rep. by
The Inspector of Police,
Town Central Circle Police Station,
Udhagamandalam.
(Crime No.417/2016)

...1st Respondent / Complainant

2.Maheswari,
Special Officer,
District Schedule Caste and
Schedule Tribe Office,
Udhagamandalam.

...2nd Respondent / Defacto Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the private complaint in S.T.C.No.4189 of 2016 on the file of the learned Judicial Magistrate, Udhagamandalam and quash the same in respect of the petitioner herein alone.

For petitioner : Mr.B.Kumarasamy

For Respondents : R1 - Mr.R.Kishore Kumar,
Government Advocate(Criminal Side)

R2 - No appearance

O R D E R

This petition has been filed to quash the private complaint in S.T.C.No.4189 of 2016 on the file of the learned Judicial Magistrate, Udhagamandalam filed against the petitioner under Sections 171(E) and 171(H) of the Indian Penal Code.

2. The crux of the final report is that on 13.05.2016 at 16:15 hours while code of conduct is in force, the Income Tax Authorities found in Hotel Room No.201 five pages of account



details regarding distribution of money to politicians for election meetings, advertisement and list of voters for a sum of Rs.97,50,000/- and the same was seized from the Room in the Hotel known as Club House Residency, where A1 is working as a Manager. Thereby, the accused were prosecuted for the offences under Sections 171(E) and 171(H) of the Indian Penal Code.

3. The learned Counsel for the petitioner submits that the petitioner was made a scape goat in the final report and he never involved in the corrupt practices and merely because he was working in the Hotel as a Manager, the prosecution has been launched against him. Further the list has been seized only from the room occupied by the customers in the hotel.

4. Heard other sides. Perused the entire materials.

5. The entire materials collected by the prosecution indicates that A1 is a Manager of the aforesaid Hotel wherein the alleged offences relating to the five pages of account details regarding distribution of money to politicians and voters for the election meetings, advertisement, account relate to Rs.97,75,000/- has been seized in the presence of the A1/petitioner in Room No.201 of the Hotel. The entire materials indicate that such a statement has been recovered only from the room No.201 where customers were staying in the presence of A1/petitioner and no one from the room No.201 was made an accused. Therefore, the Court is of the view that even entire materials are taken on face value, the same would not constitute any offence. In such view of the matter, continuing prosecution against the petitioner is nothing but a futile exercise and the same is liable to be quashed.

6. Accordingly, this Criminal Original Petition is allowed and private complaint in S.T.C.No.4189 of 2016 on the file of the learned Judicial Magistrate, Udhagamandalam filed against the petitioner for the offences punishable under Sections 171(E) and 171(H) of the Indian Penal Code is quashed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-IV)

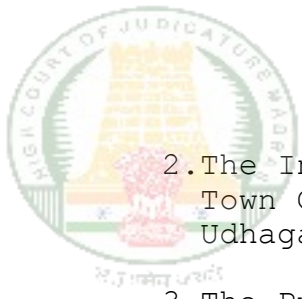
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Sub Assistant Registrar

vrc / kbs

To

1.The Judicial Magistrate,
Udhagamandalam.



2.The Inspector of Police,
Town Central Circle Police Station,
Udhagamandalam.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Kumarasamy, Advocate Sr.No.1686

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GPL (CO)
RVM(08/02/2022)