



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 25/04/2022

CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

Crl.OP(MD)No.17034 of 2018
and
Crl.MP(MD)No.7523 of 2018

Rajendran : Petitioner/A5

Vs.

1.The Inspector of Police,
Kallikudi Police Station,
Madurai District.
(Crime No.1 of 2012) : R1/Complainant

2.Nagarajamurugan
Chief Educational Officer,
Chief Education Office,
Madurai. : R2/De-facto Complainant

Prayer: Criminal Original Petition has been filed under section 482 of the Criminal Procedure Code, to call for the records in CC No.26 of 2017 on the file of the Judicial Magistrate, Thirumangalam, Madurai District in respect of the petitioner/5th Accused and quash the same.

For Petitioner : Mr.Muniyandi

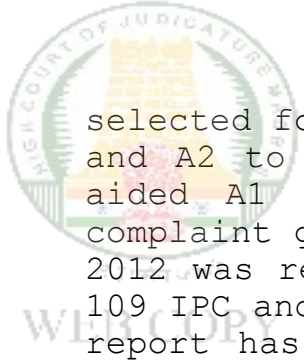
For Respondents : Mr.P.Kottai Chamy
Government Advocate

O R D E R

This petition has been filed seeking quashment of the case in CC No.26 of 2017 on the file of the Judicial Magistrate, Thirumangalam, Madurai District.

2.The case of the prosecution in brief:-

The first accused namely Amirthavalli was working as Headmaster in the Government Higher Secondary School at Arasapatti, Thirumangalam Taluk. A2 was the President of the Village Panchayat during that period. The Central Government has sanctioned funds for the purpose of upgrading the infrastructure facilities to the schools under the Rastriya Madhyamik Shiksha Scheme. During the period 2009-2010, Arasampatti Government Higher Secondary school was



selected for the above said up-gradation. The fund was misused by A1 and A2 to the tune of Rs.26,18,639/-. A3 to A5 abetted and also aided A1 and A2 to misappropriate the funds. Based upon the complaint given by the de-facto complainant, a case in Crime No.1 of 2012 was registered for the offences under sections 409, 477(A) and 109 IPC and after completing the formalities of investigation, final report has been filed and it was taken cognizance in CC No.26 of 2017 by the Judicial Magistrate, Thirumangalam, Madurai District.

3. Seeking quashment of the same, this petition has been filed by the petitioner/A5 on the sole ground that no material has been collected to show that this petitioner has abetted or aided A1 and A2 in misappropriating the above said Government fund. Since the petitioner is not directly involved in the falsification of the account, he is entitled to maintain this petition.

4. Heard both sides.

5. It is a case of misappropriation of Government funds. It is not in dispute that A1 is the Headmaster and A2 is the Panchayat President of the village. It is also not in dispute that the Central Government has sanctioned huge amount of Rs.51,50,000/- for the purpose of upgrading the above said Government Higher Secondary School.

6. The learned counsel appearing for the petitioner would submit that during course of enquiry, A1 undertook to remit the amount, but later failed. Subsequently, he was also placed under suspension. Even in the complaint, no allegation has been made against this petitioner. This petitioner is the son of the second accused, who is the Village President at the relevant time. No materials have been collected to show that out of the above said misappropriation money, property was purchased in the name of this petitioner. According to the prosecution, the petitioner is also a beneficiary of the above said fraud. Whether the beneficiary can also be included or roped into the offence, is a matter for consideration by the trial court.

7. The learned counsel appearing for the petitioner would submit that except the confession statement of the above said A2, no other materials have been collected by the Investigating Officer, since the statement of the petitioner has been recorded during the course of investigation by the police, that cannot be taken as evidence.

8. But however, considering the magnitude of the offence and also considering the fact that this petitioner is also a beneficiary of the scam, this is not a fittest case to quash the proceedings. So the petitioner has to undergo the trial process.

9. In the result, this criminal original petition is **dismissed**. Since the matter is of the year 2012, and final report has been filed in 2017, there shall be a direction to the trial court to expedite the trial process and dispose of the case, within a period



of five months from the date of receipt of a copy of this order and report the same to the Registry. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (As)

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/ /2022

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate,
Thirumangalam,
Madurai District.
- 2.The Inspector of Police,
Kallikudi Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

The Registrar(Judicial),
Madurai Bench of Madras High Court,
Madurai.

Cr1.OP(MD)No.17034 of 2018

25.04.2022

MGJ(06.06.2022) 3P 5C