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Crl.O.P.No.5167 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.07.2023

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THE HON'BLE **Dr.JUSTICE G.JAYACHANDRAN**

Crl.O.P.No.5167 of 2022
and W.P.Nos.2636 & 4562 of 2022
and
Crl.M.P.No.2791 of 2022

Crl.O.P.No.5167 of 2022

V.A.Saravanan

... Petitioner

Vs.

1.Deputy Superintendent of Police,
Vigilance & Anti-Corruption,
No.B-3, Rajaji Street,
Swarnapuri, Salem-4.

2.The Inspector of Police,
Vigilance & Anti-Corruption,
No.B-3, Rajaji Street,
Swarnapuri, Salem-4.

... Respondents

W.P.No.2636 of 2022

K.Rajangam

... Petitioner

Vs.

1.The Director of Vigilance & Anti-Corruption,
No.293, MKN Road,
Alandur, Chennai-16.
2.The Superintendent of Police,



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Vigilance and Anti-Corruption, West Range.
No.293, MKN Road,
Alandur, Chennai-16.

3.Mr.V.Krishnaraj,
Deputy Superintendent of Police,
Vigilance & Anti-Corruption,
No.3, Rajaji Street,
Swarnapuri, Salem-4.

4.The Inspector of Police,
Vigilance & Anti-Corruption,
No.B-3, Rajaji Street,
Swarnapuri, Salem-4.

... Respondents

W.P.No.4562 of 2022

1.R.Murugesan
2.G.Baskar

... Petitioners

Vs.

1.The Inspector of Police,
Vigilance & Anti-Corruption,
No.B-3, Rajaji Street,
Swarnapuri, Salem-4.

2.Thiru.Narendran,
Inspector of Police,
Vigilance & Anti-Corruption,
No.3, Rajaji Street,
Salem-636 004.

3.The Government of Tamilnadu,
Rep.by its Secretary,
Environment and Forests,
Fort St.George, Chennai-600 009.



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4.The Director of Vigilance & Anti-Corruption,
No.293, MKN Road,
Alandur, Chennai-16.

... Respondents

Prayer in Crl.O.P.No.5167/2022 :- Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records culminating in FIR in Crime No.3/AC/2022 on the file of the 2nd respondent herein dated 21.01.2022 and quash the same.

Prayer in W.P.No.2636/2022:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the 4th respondent herein dated 21.01.2022 and quash the same and consequently direct the 1st and 2nd respondents herein to initiate action against the 3rd respondent herein for abusing his authority in registration of the impugned FIR in Crime No.3/AC/2022 on the file of the 4th respondent herein dated 21.01.2022.

Prayer in W.P.No.4562/2022:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned FIR in Crime No.3/AC/2022 registered on the file of the 1st respondent and quash the same and consequently to direct the 4th respondent to initiate criminal prosecution of the 2nd respondent under Section 195 IPC and other offences thereunder.

For Petitioner



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in Crl.O.P.No.5169/2022 : Mr.M.Santhanaraman
for M/s.J.Tamilselvi

For Petitioner
in W.P.No.2636/2022 : Mr.B.Kumar, Senior counsel
Assisted by Mr.M.Santhanaraman
and Mr.T.Moorthy

For Petitioners
in W.P.No.4562/2022 : Mr.N.Subramaniyan

For Respondents : Mr.S.Udayakumar
in all cases Government Advocate (Crl.Side)

COMMON ORDER

These Petitions are filed to quash the First Information Report pending against them in Crime No.3/AC/2022, on the file of the Inspector of Police, Vigilance and Anti-Corruption, Swarnapuri, Salem.

2. The case has been registered pursuant to the preliminary enquiry conducted regarding laying of forest road between Yercaud Adivaram to Kadayampatti village, under the impression that around Rs.1,60,00,000/- meant for laying road been misappropriated by the accused persons. The specific allegations like misappropriation, scrutiny of tender documents, favouritism to one private contractor, who had not furnished required tender documents and dishonest entry of data in the



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M-book were cited as violations and investigation has been taken up.

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3. Challenging the wisdom of the Investigating Officer registering the FIR without proper materials and lawful sanction under 17A of Prevention of Corruption Act, these petitioners have come to this Court seeking quash.

4. When the matter was under consideration by this Court, it was brought to the notice of this Court that regarding the work in dispute, super check was conducted by the team of experts in the presence of the accused persons and the report reveals that around 117.80 meters length road alone found to be defective/not laid and the estimated loss to the State is around Rs.7,32,186/-. This Court on perusing the super check report found that the facts, which are found in FIR is substantially exaggerated and not been supported by the super check report. This Court found that there is vast different from the FIR and the super check report.

5. The learned counsel appearing for the petitioners submitted



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that the petitioners are withdrawing the personal allegations made against the 3rd respondent in W.P.No.2636 of 2022 and the 2nd respondent in W.P.No.4562 of 2022 and the relief sought against them in the respective petitions. They have also made an endorsement that their name may be deleted in the cause title and withdrawing the petitions as against them.

6. The learned Government Advocate (Crl.Side) appearing for the State after getting instructions, today reported that as against the public servants, who have not followed the tender procedure and the manual for recording measurement in the M-book, they are liable for departmental proceedings and the Vigilance department has taken a decision to drop the criminal case against them.

7. In the light of the above submissions, Writ Petitions and the Criminal Original Petition is disposed of. The department may proceed against them, if there is any material to initiate departmental action. Consequently, the connected Criminal Miscellaneous Petitions are closed.

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Index: Yes/No
Speaking Order/Non Speaking Order

To

1.The Secretary,
Government of Tamilnadu,
Environment and Forests,
Fort St.George, Chennai-600 009.

2..The Director of Vigilance & Anti-Corruption,
No.293, MKN Road,
Alandur, Chennai-16.

3.The Superintendent of Police,
Vigilance and Anti-Corruption, West Range.
No.293, MKN Road,
Alandur, Chennai-16.

4.The Deputy Superintendent of Police,
Vigilance & Anti-Corruption,
No.3, Rajaji Street,
Swarnapuri, Salem-4.

5.The Inspector of Police,
Vigilance & Anti-Corruption,
No.B-3, Rajaji Street,
Swarnapuri, Salem-4.

6.The Public Prosecutor, High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN, J.

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