



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 7.6.2023.

CORAM

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Criminal Original Petition No.8925 of 2023
and
Crl.M.P.No.5716 of 2023

P.Murugesan

Petitioner

vs.

1. State, rep. by
The Inspector of Police,
Vigilance and Anti-Corruption,
Erode District,
(Crime No.4/AC/2017)

2. Tr.S.Ramanathan

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to call for the records pertaining to FIR in Crime No.4/AC/2017 on the file of the first respondent police and quash the same as illegal insofar as the petitioner is concerned.

For Petitioner : Mr.P.Murugesan

For R1 : Mr.N.S.Suganthan, G.A.(Crl. Side)

ORDER

The petitioner, who has been arrayed as A2 in Crime No.4/AC/2017 on the file of the first respondent police seeks for quashment of the FIR.



2. On a petition filed by the de facto complainant, the second respondent herein on 21.8.2016, a preliminary enquiry was initiated against the present petitioner (A2), Assistant Engineer, O&M, TANGEDCO, ThamaraiPalayam, Erode District and another by name R.Vijayaraghavan (A1), working as Assistant Executive Engineer, O&M, TANGEDCO, Kodumudi, Erode District, which resulted in filing of an FIR in the above Crime Number.

3. The allegation levelled against the accused is that demand of bribe for providing agriculture electricity connection to the de facto complainant. It appears that enquiry was conducted on the petition filed by the de facto complainant, which revealed that the de facto complainant had approached the petitioner for free EB Service Connection and the petitioner had demanded and received Rs.40,000/- in piecemeal on different dates under the guise of providing service connection under the Self Finance Scheme.

4. Learned counsel appearing for the petitioner would submit that the complaint is not clear as to what for the amount was demanded and received. He would further submit that for getting service connection under the Self-Finance Scheme, the complainant had to pay a sum of Rs.35,000/- and the amount received was only towards expenses under the Self-Finance Scheme and it is not a case



of demand of bribe and thereby, pray for quashment of the FIR.

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5. Learned Government Advocate appearing for the first respondent would submit that the preliminary enquiry conducted revealed many factual contradictions between the case of the de facto complainant and the contentions raised by the petitioner. He would further submit that even assuming for a moment the amount received is only for providing service connection under self-finance scheme, the amount ought to have been collected is only Rs.35,000/-, whereas, a sum of Rs.40,000/- in total has been collected. He would also submit that investigation is pending and so far as demand of bribe is concerned, the de facto complainant had recorded the demand made by the petitioner in his mobile phone and produced the same for investigation, which has been sent for forensic examination and in this regard, to compare with the voice recorded in the mobile phone, voice sample of the petitioner is required, however, he is not cooperating for the same with the investigating agency, rather, he has filed the present petition invoking Section 482 Cr.P.C. raising the grounds of factual in nature and thereby, it is liable to be dismissed.

6. Heard the learned counsel appearing for the parties and perused the materials available on record.

7. A perusal of the FIR, petition seeking quashment of the FIR,



Affidavit filed in support of the petition and other materials would show that the grounds raised seeking quashment of the FIR filed on the allegation of demand and receipt of bribe are only factual in nature which do not make out a case for quashing the FIR, especially, when it is the case of the respondent police that there is some evidence available with them in the form of recording in the mobile phone of the de facto complainant and the same is pending verification at the level of Forensic Sciences awaiting the voice sample of the petitioner. In the circumstances, this court is not inclined to entertain the present petition.

8. At this stage, the learned counsel for the petitioner would submit that the FIR is of the year 2017 and thereby a direction may be issued to the respondent to conclude the investigation and file final report within a time frame.

9. Of course, as claimed by the petitioner, the FIR is of the year 2017 and six years had lapsed as of now. Considering the totality of the circumstances of the case, while dismissing the Criminal Original Petition, the respondent-police is directed to complete the investigation and file the final report as early as possible, preferably, within a period of four months. The connected Miscellaneous Petition is also dismissed.



7.6.2023.

Index: Yes/No.
Internet: Yes/No.
ssk.

To

1. The Inspector of Police,
Vigilance and Anti-Corruption,
Erode District,
2. The Public Prosecutor,
High Court, Madras.



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A.D.JAGADISH CHANDIRA, J.

ssk.

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