



Crl.OP.No.13830 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.13830 of 2022

and

Crl.M.P.No.7492 of 2022

M.Prabakar

... Petitioner

Vs.

1. State rep.by Inspector of Police,
Vigilance and Anti Corruption,
Vellore.

2. S.Vijay,
Inspector of Police,
Vigilance and Anti Corruption,
Vellore.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the entire records related to the FIR in Crime No.13 of 2021 dated 25.09.2021 registered by the first respondent and quash the same with respect to the petitioner.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER



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This Criminal Original Petition is filed to quash the FIR registered by the respondent police on 25.09.2021 for the offences under Sections 13(2) r/w 13(1) (c) and (d) of the Prevention of Corruption Act, 1988 and Sections 120(b), 167, 420, 465, 468, 471, 477A, 409 r/w 109 of IPC.

2. The learned counsel for the petitioner argued at length stating that the purchase of 36 numbers of 500 litres of LPH RO Plants and 4 numbers. of 1000 litres of RO Plants were done in accordance with Tender Transperancy Act. After the decision of the Board of Directors and there is no violation infact, there was surcharge proceedings initiated and erroneous order passed against this petitioner and one K.S.Murali Prasad for causing loss to the Union for a sum of Rs.17,70,820/- that came to be challenged and the Hon'ble Judge of this Court in the writ proceedings has found that the surcharge proceedings was discriminately and selectively against these person, therefore, set aside the order and remitted for de novo enquiry. However, till date, the de novo Enquiry has not commenced. At that same time, the learned counsel appearing for the petitioner also fairly conceded that the writ petition filed by K.S.Murali Prasad challenging the surcharge proceedings dated 06.07.2020 was dismissed and the same was confirmed by the Division Bench of this



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Court. However, that was earlier to the order passed in the writ petition filed by Prabakaran/A1. Be that as it may, the proceedings initiated by the Department will have very less bearing for investigating a crime by a competent authority.

3. The surcharge proceedings and its outcome cannot stall or stay or suffer investigation by the police which has a larger ramification. The material records indicates, though the learned counsel appearing for the petitioner claims that it is a motivated complaint by one Venkatesan against whom disciplinary proceedings was initiated earlier appears to be incorrect since the enquiry in this matter been commenced long ago and the decision to purchase RO plants to preserve the milk procured though taken by the Board of Directors, the manner in which it has been purchased and the quality of RO plants purchased appears to be very doubtful and the present condition of the RO plants speaks for itself. It is also submitted that the post ratification by the finance committee for the said purchase not yet granted in view of the discrepancies and irregularity found in the purchase. Therefore it is not a case to interfere under Section 482 of Cr.P.C to quash preventing the investigation to complete and reach the logical end. For the reasons stated above, this



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Criminal Original petition is dismissed. Consequently, connected miscellaneous petition is closed.

21.07.2023

Index: Yes/No
Speaking / Non Speaking Order
Vv

To

1. The Inspector of Police,
Vigilance and Anti Corruption,
Vellore.



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Dr.G.JAYACHANDRAN, J

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