



Crl.O.P.No.16862 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2023

CORAM :

THE HONOURABLE Dr. JUSTICE **G.JAYACHANDRAN**

Crl.O.P.No.16862 of 2022

and

Crl.M.P.Nos.10168 & 10169 of 2022

K.Palani

.. Petitioner

Vs.

State rep.by
The Inspector of Police,
Vigilance and Anti-Corruption,
Tiruvannamalai,
Tiruvannamalai District
Crime No.6 of 2017

..Respondent

PRAYER : Criminal Original Petition has been filed under section 482 of Criminal Procedure Code to call for the records relating to the criminal case in Spl.C.C.No.3 of 2021 pending on the file of the learned Special Judge/Chief Judicial Magistrate, Tiruvannamalai, quash the same by allowing Criminal Original Petition.

For Petitioner : Mr.N.Manoharan

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl.Side)



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ORDER

It is a case where one Devadoss, who is a history sheeter, was booked by Tiruvannamalai police in Crime No.647 of 2015 for an offence under Section 160 of I.P.C., and in Crime No.648 of 2015 for an offence under Section 7(1)(a) of Criminal Law Amendment Act.

2. It is alleged that to protect him, the petitioner, who was serving as Inspector of Police, sought bribe of Rs.5,00,000/-. For this dealing Advocate brothers by name D.Kumar and Sounder were acted as mediator. All of sudden since the deal could not fructify, the said Kumar and his brother Sounder both claiming as practicing advocates in Chennai along with one of his friend by name Lingesh had recorded the conversation of the accused to attract the attention of the Vigilance and Anti-Corruption police. This has led to registration of case against the petitioner/Inspector of Police as a sole accused in Crime No.6 of 2017.

3. Reading of 161 statement of the witness indicates. in the petition to quash, this Court finds that the Investigating Officer in this case, as far as the reason best known, has not shown Kumar, his brother



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Sounder and another advocate by name Lingesh as accused. When the ample materials available against them to prosecute for abetting the crime, the failure of the Investigating Officer to include them in the trial has caused injustice. Hence, while dismissing the quash petition filed by Mr.Palani directs the Investigating Officer to file a petition for further investigation and file a report, de hors of this direction, the trial Court itself on satisfaction of available materials even in the course of trial, the learned Magistrate if finds any evidence to include any person as an accused in exercise of power under Section 319 Cr.P.C., shall do it without any reference to this Court.

4. In the result, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petitions are also dismissed.

17.07.2023

Internet : Yes/No

Index: Yes/No

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To



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1.The Special Judge/Chief Judicial Magistrate, Tiruvannamalai

2.The Inspector of Police,
Vigilance and Anti-Corruption,
Tiruvannamalai,
Tiruvannamalai District.

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

Dr.G.JAYACHANDRAN, J.



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