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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.19540 of 2023
and Crl.M.P.No.13197 of 2023

Shyam Sundar Singh @ Shyam

... Petitioner

Vs.

1.State Rep. by
The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai.

2.G.Suresh
Additional Flying Squad III
Harbour Assembly Constituency
Chennai

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to Crime No.60 of 2021 on the file of the respondent police and quash the same.

For Petitioners : Mr.M.Soundar Vijay Arulram

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor for R1



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ORDER

This criminal original petition has been filed quashing the FIR in Crime No.60 of 2021 pending investigation on the file of the 1st respondent.

2.The prosecution is that on 04.04.2021, the Flying Squad came to know that the accused persons were in possession of money and the same is attempted to be distributed/disbursed to the voters. Hence, the flying squad enquired A1 and A2 and asked them the details regarding the amount that was possessed by them to the tune of Rs.8,39,000/- Since no reason was forth coming, the amount was seized and it was deposited before the treasury and a complaint was lodged before the 1st respondent based on the complaint given by the 2nd respondent. The FIR was registered by the 1st respondent in Crime No.60 of 2021 for offence under Sections 171(E), 171(H), 294(b) of IPC.

3.When the matter came up for hearing on 29.08.2023, the learned Additional Public Prosecutor on instructions submitted that the investigation is almost complete and that the draft final report is also ready. This Court directed,



the draft final report to be placed before this Court. Accordingly, the matter was posted for hearing today.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the 1st respondent.

5. This Court carefully went through the draft final report. The allegation that has been made is that all the three accused persons were in possession of money and it was attempted to be disbursed illegally to the voters. This money was seized in the presence of witnesses and accordingly, a draft final report has been prepared for offence under Sections 171(E) r/w 171(H) and 294(b) of IPC.

6. The petitioner filed an application before the VIII Metropolitan Magistrate, Chennai seeking for the return of the money that was seized. The same was dismissed and it was challenged before the learned Principal Sessions Judge, Chennai in CrI.R.C.No.73 of 2021. The petitioner took a very specific stand that he is doing business and he was in possession of the cash to deposit the same in the bank account and the necessary documents were also furnished before the Court



below. Since there was a bank holiday, the cash was kept in possession of the petitioner and the same was seized by the 2nd respondent on the ground that it was meant to be distributed to the voters.

7.The learned Principal Sessions Judge, Chennai took into consideration the stand taken by the petitioner and was satisfied that the amount can be returned back to the petitioner and accordingly, criminal revision petition was allowed by an order dated 24.03.2022.

8.In the draft final report, what is available is only the amount that was recovered and there is nothing to show that this amount was meant to be disbursed to the voters. In view of the same, proceeding further with this case will serve no purpose. This incident had taken place during the election time and the passage of time has completely taken away the virulence from this case. Hence, the continuation of the investigation and going through the criminal trial will serve no purpose and it will be a waste of judicial time.

9.In the light of the above discussion, FIR in Crime No.60 of 2021 pending investigation on the file of the 1st respondent is hereby quashed in entirety and the



criminal original petition stands allowed. Consequently, connected miscellaneous
petition is closed.

07.09.2023

Index : Yes/No
Internet : Yes/No
Speaking/Non-Speaking Order
ssr

To

- 1.The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

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