IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **18.10.2023**

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.21609 of 2023
and Crl.M.P.No.14924 of 2023

P.Kumar ... Petitioner

Vs.

1. The State of Tamil Nadu,
   Represented by its,
   Additional Superintendent of Police,
   Vigilance and Anti - Corruption,
   Salem District.
   (Crime No.16/AC/2019)
2. K.Rani ... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, pleased to call for the records pertaining to the First Information Report in Crime No.16/AC/2019, on the file of the Additional District Superintendent of Police, Vigilance and Anti-Corruption, Salem District and quash the same.

For Petitioner	:	Mr.Karthikeyan for M/s.G.Mutharasu
For R1	:	Mr.C.E.Pratap Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed seeking to quash the proceedings in the First Information Report in Crime No.16/AC/2019, on the file of the first respondent.

2. The facts in brief as per the First Information Report is that a preliminary enquiry was initiated on the orders of the Director of Vigilance and Anti – Corruption, Chennai, based on the petition dated 09.03.2018 preferred by one K.Rani w/o. K.Kumar before the Deputy Superintendent of Police, Vigilance and Anti – Corruption, Salem containing the allegations of demand and acceptance of illegal gratification received as maamool regularly for not registering a case for doing opium business and for not registering any criminal case in future.

3. The Preliminary Enquiry revealed the fact that one K.Rani w/o. K.Kumar is a native of Maniyanur village of Thiruchengode Taluk, Namakkal District. In the month of December 2016, the relatives of said Rani named Srinivasan and Balu were arrested for transporting 45 kilograms of Opium and a case was registered against them. Further, having enraged over non informing about the Opium business done by the said Srinivasan and Balu, NIBCID Police had included the husband and elder brother of the said Rani as additional accused in that case. After two days, NIBCID Police has also registered a case against Rani's husband as if he was in possession of 1.300 kilograms of Opium and he was remanded and detained under Goondas Act in the month of February 2017.

4. The second respondent/Rani had met A1, P.Kumar, the petitioner herein, who was working as a Deputy Superintendent of Police, NIBCID, Salem District, to release her husband and during that time, A1 had instructed her to continue the Opium business of her husband and demanded a sum of Rs.1 lakh as monthly maamool in the month of July 2017. After bargaining, he had reduced the same to Rs.25,000/- and received a sum of Rs.10,000/- from the

said Rani in the presence one Murugan near Anandabavan Hotel, Salem and received the balance Rs.15,000/- on the very next day at Kuppanur By-pass. Thereafter, on several occasions, the said Rani had given maamool to A1 and further, on the instruction of A1, she had transferred the amount to the account of A3/ the relative of A1. Later, on 05.12.2017, Rani and Murugan were secured by A2 for transporting 10 parcels of Opium and they were detained without registering any case and thereafter, A2 had demanded a sum of Rs.2 lakhs and on making the payment of Rs.80,000/-, they were allowed to leave on 07.12.2017. Even thereafter, A1 & A2 continued to demand maamool from Rani and the said Rani, unwilling to pay the maamool amounts, had lodged a complaint before the Vigilance and Anti – Corruption, on 09.03.2018 at 14.00hrs.

5. During the preliminary enquiry, the involvement of A1 and A2 in the offence of demanding and accepting illegal gratification as monthly maamsool for non registration of the case against Rani/*de facto* complainant was confirmed through the phone conversation between A1 and Rani on 10.03.2018 and on 14.03.2018. Further, the SBI Account Statement of A3

(Acc. No.30210332784) has confirmed the receipt of maamool from Rani between the period from 25.06.2017 to 25.03.2018 on various occasions. Hence, the first respondent had registered a case in Crime No.16/AC/2019. The present petition has been filed seeking to quash the First Information Report.

6. Mr.Karthikeyan, learned Senior Counsel representing the learned counsel for the petitioner vehemently contended that the petitioner is a honest police officer and that the complainant is none other than a habitual offender, who had foisted a false case against him. He further submitted that though the complaint was lodged on 09.03.2018, the First Information Report was registered only after a delay of 16 months i.e., on 21.07.2019. He also submitted that the phone number 99525 18751 alleged to have been used by the first accused/petitioner herein to call the *de facto* complainant, does not belong to the petitioner and on the other hand, it belongs to the *de facto* complainant herself, which could be seen from the remand report of Periyasamy. He further submitted that as per the contents of the First Information Report, a sum of Rs.10,000/- was stated to have been deposited to the account of A3 on 08.10.2017, whereas, it has not been reflected in the Account statement and

further there is an allegation of transferring of Rs.49,900/- to the account of A3 on the request of A1 during the month of November 2017, whereas, as per the bank statement, no such amount has been credited to the account of A3 during the month of November 2017. Thereby, absolutely there is no evidence to show that the amounts have been transferred to the account of A3 Sibichakaravarthy. Hence, the petitioner, who is an honest officer, has now been placed under suspension based on a false complaint lodged by a habitual offender involved in the trade of opium. Therefore, he prayed to quash the proceedings in the First Information Report in Crime No.16/AC/2019, on the file of the first respondent.

7. The first respondent Police has filed the detailed counter and the relevant portions are extracted hereunder :-

> *"40) It is respectfully submitted that after completion of the Preliminary Enquiry, he submitted his report on 30.10.2018 recommending registration of a regular case against the petitioner/accused and also Tmt.K.Santha, Inspector of Police, NIB-CID, Salem and Tr.M.Sibi Chakravarthi, Brother-in-law of the petitioner/accused. Therefore, the Preliminary enquiry was commenced on 09.03.2018 and was concluded on 30.10.2018. Thereafter, FIR in Salem V & AC Cr.No.16/AC/2019 was registered*

on 21.07.2019 immediately without any delay after obtaining prior permission from competent authority and on the orders of DVAC, Chennai. The details of the enquiry conducted during Preliminary Enquiry are given hereunder.

Details of Investigation done during the Preliminary Enquiry:

Date	***Events***	***Investigating Officer***
28.04.18	Examined witnesses and recorded their statements.	Tr.S.Chandramouli, Formerly DSP, V &AC, Salem.
12.07.18	Complainant Tmt.K.Rani and Tr.Murugan were examined.	
25.10.18	Tr.Sathik Basha was examined	
30.10.18	Draft Final Report was submitted recommending registration of Regular Case.	
20.07.19	Permission was accorded by DVAC to register a Regular case.	
21.07.19	FIR was registered	
21.07.19	House Search was conducted at Tanjore.	
22.07.19	House Searches were conducted at Namakkal and Coimbatore.	
23.07.19	Search Reports were handed over to the Special Court, Salem.	
30.07.19	CD File was handed over to Selvi. Tr.P.Thnagamani, Inspector of Police, V& AC, Salem for further investigation.	

41) It is respectfully submitted that thereafter the Case Diary File was handed over to Selvi.P.Thangamani, the then *formerly Inspector of Police, V & AC, Salem on 30.07.2019 for further investigation. Subsequently, she addressed various authorities and collected certain records. Further, she was relieved from V & AC, Salem on 18.06.2021. During the investigation between 30.07.2019 and 18.06.2021, Selvi.P.Thangamani addressed various authorities to collect documents. The details of the events of investigation during the tenure of Selvi.P.Thangamani, Inspector of Police, Vigilance and Anti-Corruption, Salem are given hereunder.*

Details of investigation done by the previous Investigating Officer Selvi.P.Thangamani:

Date	***Events***
30.07.19	CD File was handed over to Selvi. Tr.P.Thnagamani, Inspector of Police, V & AC, Salem.
28.02.20	Letter sent to officials of Amazon, Perungudi, Chennai, requesting purchase details from the bank account of A.O-3 Tr.M.Sibi Chakravarthy.
28.02.20	Letter sent to officials of Flipkart, Teynampet, Chennai, requesting purchase details from the bank account of A.O-3 Tr.M.Sibi Chakravarthy.
02.03.20	Letter sent to Chief Commercial Manager, Southern Railway, Chennai, requesting booking details made from the bank account of A.O-3 Tr.M.Sibi Chakravarthy.
03.03.20	Letter sent to Superintendent of Police, NIB-CID, Chennai requesting Transfer and Postings orders of A.O-1 and A.O-2.
05.03.20	Letter sent to the Branch Manager, SBI, Sankagiri requesting to provide cash deposits made in the bank account of A.O-3

Date	***Events***
09.03.20	Letter sent to Superintendent of Police, NIB-CID, Chennai requesting Weekly Diary, Vehicle Diary of the Vehicle utilized in NIB-CID, Salem.
29.01.21	Letter sent to DSP, NIBCID, Salem requesting to send General Dairy, Rough Duty, Duty Roster and original History Sheet Indirani. Thiyagarajan, Kuppayee.
08.02.21	Letter sent to Manager, SBI, Cantonment Branch, Trichy requesting account statement of A.O-3 Tr.M.Sibi Chakravarthy.
08.02.21	Letter sent to Tahsildar, Lalkudi, Trichy requesting family details of AO-3 Tr.M.Sibi Chakravarthy.
25.02.21	letter sent to NIB-CID, requesting Judgment copy in C.C.19/17 which is against the husband of the complainant.
03.03.21	Letter sent to DSP, NIB-CID, Salem requesting HS details of complainant Tmt.K.Rani.
12.03.21	Letter sent to TNFSL through Special Court, Salem requesting to conduct Voice analysis on the voice conversation held between A.O-1 and the complainant Tmt.K.Rani.
17.03.21	Petition was filed before the Hon'ble Special Court, requesting Locker Search Warrant.
29.03.21	Search was conducted in the locker stood in the name of Tr.P.Kumar, DSP in IOB, Coimbatore.

42) It is respectfully submitted that I have joined in V & AC, Salem only on 23.06.2021 and took up investigation of this case. During the investigation, I have examined 41 witnesses and collected relevant documents and because of my sincere efforts, I submitted the Investigation Report in this case on 03.03.2022 to DVAC, Chennai, i.e, within a period of eight months from the date of my joining in V & AC, Salem. Accordingly, Sanction of Prosecution orders were received in respect of A.Os 2 and 3 then *and there.*

Details of investigation done by the present Investigating Officer:

Date	***Events***
07.08.21	Complainant Tmt.K.Rani was examined.
28.08.21	Witness Tr.M.Murugan was examined.
31.08.21	Witness Tmt.Rajammal was examined.
12.10.21	Petition filed before the Hon'ble Court of Special Judge, Salem requesting to issue summons to A.O-1 and complainant Tmt.K.Rani so as to produce them before TNFSL, Chennai for collecting voice sample.
22.10.21	A.O-1 Tr.P.Kumar and Complainant Tmt.K.Rani were produced at TNFSL, Chennai and Voice samples were collected.
19.11.21	Letter was sent to District Treasury, Tanjore, requesting to send A.O-3 Tr.M.Sibi Chakravarthy for enquiry.
30.11.21	A.O-3 Tr.M.Sibi Chakravarthy was examined.
17.12.21	W-5 Tr.Kannan, W-6 Tr.C.Krishnan, W-7 Tr.P.Kumaresan NIBCID, Salem officials were examined.
22.12.21	Witnesses Tr.S.Palanisamy, Tr.A.Rajendran, Tr.Ronald Peter, Tr.Thennavan, Tr.G.Gopalakrishnan of NIBCID, Salem were examined.
23.12.21	Voice analysis report from TNFSL, Chennai was received.
27.12.21	Witnesses Tr.R.Sampath and Tr.Balu of NIBCID, Salem were examined.
03.01.22	A.O-2 Tmt.K.Santha was examined.
Jan-2022	B-Extract received from PA to RTO, Salem in respect of vehicle No. TN 29 AL 5458 owned by Wit. Tr.M.Murugan.
01.02.22	Witness Tr.M.Nesamani, Karumadurai was examined.
07.02.22	Witness Tr.Sathikbasha was examined.
11.02.22	Witness Tmt.C.Kuppayee was examined.
12.02.22	A.O-1 Tr.P.Kumar was examined.

Date	*Events*
14.02.22	Witnesses Tr.P.Sureshkumar, Deputy Tahsildar Tmt.S.Maheshwari, RI Tmt.Rahamathunisha Begam, RI, Tmt.J.Kala, VAO, Tr.Arulkumar, Deputy Manager, Sankari were examined.
23.02.22	Witnesses Tr.Shanmugaiya, DSP, Tr.R.Premkumar, Zonal Deputy Tahsildar, Tr.S.Manikandan, RI, were examined.
24.02.22	Witnesses Tmt.R.Chitra, Tahsildar, Lalkudi Tr.N.Anbarasan, RI, Tmt.Arunmozhi, VAO, Mettupatty Village Lalkudi, Tr.D.Menaksha, Deputy Manager, SBI, Trichy were examined.
25.02.22	Witnesses Tr.M.Veeramani Brother of Murugan, Tr.D.Natarajan, PA to RTO, Salem East were examined.
26.02.22	Verification report regarding Tr.Arunachalam was received from VAO Karumandurai and he was examined.
03.03.22	Investigation report was submitted to DVAC, Chennai.
06.05.22	Letter was sent to the Commissioner of Police, Salem City from DVAC, Chennai Requesting Sanction of Prosecution Orders in respect of A.O-2 Tmt.K.Santha, Inspector of Police.
31.05.22	Documents were produced before the Commissioner of Police, Salem city.
04.08.22	Documents were produced before the Commissioner of Treasuries and Accounts, Chennai for A-3.
16.08.22	Sanction of Prosecution orders was received from the Commissioner of Police, Salem City in respect of A.0-2 Tmt.K.Santha.
23.11.22	Sanction of Prosecution orders was received from the Commissioner of Treasuries and Accounts, Chennai in respect of A.O-2 Tr.M.Sibi Chakravarthy.

43) It is respectfully submitted that thereafter, I was specially deputed for conducting investigation in Namakkal V & AC Cr.No.8/AC/2021 from 25.11.2022 and accordingly, I was engaged with the above investigation continuously from

25.11.2022. Sanction of Prosecution Orders against A.0-1 Tr.P.Kumar, the petitioner herein is under process.

44). It is respectfully submitted that Preliminary Enquiry has been conducted during the period between 09.03.2018 and 30.10.2018. Thereafter, the case was registered on 21.07.2019 and the investigation process got held up due to pandemic. After I joined, the investigation was completed within a period of eight months and report was submitted to DVAC for approval.

45) It is respectfully submitted that with reference to the averments made in para-(c) of the grounds of the petition, it is correct to state that the said phone number 9952518751 is not belong to the petitioner/accused and it belongs to the complainant Tmt.K.Rani.

46) With reference to the averments made in para-(d) of the grounds of the petition, it is correct to state that as per the contents of FIR it is mistakenly mentioned that a sum of Rs.10,000/- was deposited on 08.10.2017 to the account of A-3 and whereas the statement of account does not reflect the same.

47) It is respectfully submitted that on the instructions of the petitioner/accused over phone on the evening of 06.10.2017 at about 18.00 hrs, the complainant Tmt.K.Rani along with Tr.M.Murugan went near Vivekananda College at Elayampalayam on the Namakkal to Tiruchengode highway on the next day *morning with Rs.15,000/-, which he arranged at that time being and they waited there. The petitioner/accused Tr.P.Kumar came in the same Honda City car on 07.10.2017 at about 11.30 hrs, stopped near them, and asked Tmt.K.Rani as to whether she had brought the September month maamool amount Rs.25,000/-. For which, Tmt.K.Rani replied that she arranged only Rs. 15,000/- at that time being and she would give the balance amount Rs.10,000/- in the forthcoming Monday. The petitioner/accused Tr.P.Kumar, who got boiled on the dissatisfied reply of Tmt.K.Rani, received Rs.15,000/- and strictly instructed her to deposit the balance bribe amount Rs.10,000/- on the next day itself in his Bank Account which he would send from his cell phone to Tr.Murugan's cell phone through SMS and accordingly, the petitioner/accused Tr.P.Kumar sent Account No.30210332784 of his brother-in-law Tr.M.Sibichakravarthi maintained in State Bank of India, Trichy through SMS from his cell phone No.95244 73119 to Tr.M.Murugan's cell phone No.90038 02969 immediately and left the place.*

48) It is respectfully submitted that scared over the above act of the petitioner/accused Tr.P.Kumar, Tmt.K.Rani immediately arranged a sum of Rs.10,000/- through their friends circle and deposited the same in the said Account number as part of monthly maamool amount at State Bank of India ATM booth located near

New Bus Stand Tiruchengode on the same day on 07.10.2017 at about 13.30hrs. The above transaction is very much reflected in the bank account of A.O-3 Tr.M.Sibichakravarthi maintained in State Bank of India, Cantonment Branch, Trichy. The date of the above transaction of receipt of money was mistakenly represented by the complainant as 08.10.2017 instead of 07.10.2017 on which it was happened actually.

49) With reference to the averments made in paras-(d) & (e) of the grounds of the petition, it is not correct to state that no amount of Rs.49,900/- th has been credited to the account of A.O-3 during the month of November 2017.

50) It is respectfully submitted that as the complainant Tmt.Rani did not give Rs.50,000/- to the petitioner/accused towards monthly maamool for the months of October and November 2017, the petitioner/accused Tr.P.Kumar strictly warned her and threatened her and accordingly, he instructed A.O-2 Tmt.K.Santha to secure the complainant Tmt.K.Rani. Therefore, she secured the complainant and on her request she left her and instructed her to come NIB-CID office, Salem on the next day. The complainant Tmt.K.Rani assumed that the petitioner/accused Tr.P.Kumar, Deputy Superintendent of Police alone would have directed the Inspector to foist false case against her due to nonpayment of 2 months maamool amount. Hence, Tmt.K.Rani did *not turn up to the NIBCID office, Salem on the next day morning as assured by her and decided to give the amount as already demanded by the petitioner/accused Tr.P.Kumar.*

51) It is respectfully submitted that accordingly, on 02.12.2017 Saturday Tmt.K.Rani with the assistance of Tr.M.Murugan, arranged a sum of Rs.50,000/-, to give towards monthly maamool for 2 months for the months of October and November 2017, informed the same to the petitioner/accused Tr.Kumar from her mobile phone No. 99525 18751 to his mobile phone No.95244 73119. On receipt of the above information, he instructed to deposit the amount in the account No.30210332784 of Tr.M.Sibichakravarthy maintained in State Bank of India, Cantonment branch, Trichy, which was already given by him.

52) Accordingly, Tmt.K.Rani deposited bribe amount Rs.49,900/- through Tr.M.Murugan by splitting up the amount into Rs.19,000/-, Rs.10,900/- Rs.10,000/- and Rs.10,000/- totally Rs.49,900/- at the CDM Machine available in State Bank of India ATM booth located near Sankagiri court on the Sankagiri - Tiruchengode main road on the same day. Out of the total amount, Rs.39,900/- was credited in the said Account on the same day and Rs.10,000/- was credited in the bank account No.30210332784 on 07.12.2017. Then, Tmt.K.Rani informed the same to the petitioner/accused Tr.P.Kumar and after confirming the credit of *the said amount, he assured Tmt.K.Rani that NIB-CID staffs would not chase her further. The above transactions were also reflected in the bank account of Tr.M.Sibi Chakravarthi.*

53). With reference to the averments made in para-(f) of the grounds of the petition, it is not correct to state that there are absolutely no materials connecting this petitioner/accused to any criminal offence.

54). It is respectfully submitted that the perusal of the said account statement reveals that during the period between 01.04.2017 and 01.11.2019 a total sum of Rs.3,06,700/- was credited in the account through CDM deposit as bribe and through account transfer from Salem, Namakkal, Dharmapuri and Krishnagiri Districts which are of the jurisdiction of the petitioner/accused on various dates between 08.09.2017 and 17.04.2018. The details are given hereunder.

Details of Cash Deposit made through CDM Machine:

	Date	***Location***	***Amount Credited (Rs)***
Cash Deposit Machine			
1.	08.09.17	CDM04010, SBI, Salem	2000.00
2.	07.10.17	CDM04010, SBI, Thiruchengodu.	10000.00
3.	12.10.17	CDM040106, SBI, Krishnagiri	5000.00
4.	12.10.17	CDM040106, Krishnagiri	20000.00

	Date	*Location*	*Amount Credited (Rs)*
5.	04.11.17	CDM040106, Ilampillai	10000.00
6.	08.11.17	CDM04010, Srirangapa	30000.00
7.	11.11.17	CDM04010, SBI, Mecheri	15000.00
8.	13.11.17	CDM04010, Sivadhapur	15000.00
9.	30.11.17	CDM040106, Ilampillai	20000.00
10.	02.12.17	CDM040106, Ilampillai	19000.00
11.	02.12.17	CDM040106, Ilampillai	10900.00
12.	02.12.17	CDM040106, Ilampillai	10000.00
13.	11.01.18	CDM04010, SBI, Salem	30000.00
14.	12.01.18	CDM04010, Sivadhapur	10000.00
15.	06.03.18	CDM04010, Namakkal	10000.00
16.	10.04.18	CDM040106, Namakkal	10000.00
17.	10.04.18	CDM040106, Palacode	19800.00
18.	16.04.18	CDM040106, SBI Namakkal	36500.00
19.	17.04.18	CDM040106, SBI Namakkal	21500.00
20.	17.04.18	CDM040106, SBI Namakkal	2000.00
		Total	3,06,700.00

55). It is respectfully submitted that as a public servant of a state government working in District Treasury, Tanjore, there is absolutely no necessity to Tr.M.Sibichakravarhty to receive money from the above districts consecutively and he is not doing any business in the above districts. Further, it is clear that the petitioner/accused Tr.P.Kumar had been working as Deputy Superintendent of Police, NIB-CID, Salem from 06.04.2017 to

27.07.2019 and the above amounts had been credited from the jurisdictional area of the petitioner/accused Tr.P.Kumar, Deputy Superintendent of Police. From the above details, it is clearly established that the amounts credited to the above account of Tr.M.Sibichakravarthy was only bribe amount deposited by the Ganja sellers, who actuated within the jurisdiction of the petitioner/accused Tr.P.Kumar, Deputy superintendent of Police.

56). It is respectfully submitted that previously the complainant Tmt.K.Rani was not a Ganja seller and there was no case against her prior to the month of July 2017, when she met the petitioner accused and she might have started the Ganja selling business only on the instigation and active support of the petitioner/accused and he allowed her to do the business by receiving monthly maamool from her. The very first and maiden case was registered against her by the Inspector of Police, NIB-CID, Salem in Cr.No.139/2017 only on 28.11.2017 and there was no other case against her and no history Sheet was also there on her in NIB-CID, Salem at that time.

57). It is respectfully submitted that the petitioner/accused regularly received monthly maamool from the ganja sellers by allowing them to do Ganja selling freely not only from the complainant Tmt.K.Rani but also from all the Ganja *sellers in his jurisdiction that is in Salem, Namakkal, Dharmapuri and Krishnagiri Districts and he received illegal gratification from them by cash directly and through bank account of his brother-in-law Tr.M.Sibichakravarty and the receipt of money from the Ganja sellers as discussed in the foregoing paragraphs.*

58). It is respectfully submitted that in addition to the above mode of receipt of money, the petitioner/accused used to receive money through on-line transactions on various dates between 18.11.2017 and 13.04.2018 and deposited a total sum of Rs.1,04,900/- by using Mobile number. Out of the following 9 transactions, except the transactions noted in serial No. 1 and 9 all other transactions were done by using Mobile No. 9566962218 that is from one Tr.Arunachalam, who is also a Ganja Seller from Karumanthurai hills of Salem District. The details of receipt of money through on-line mode is given below.

Details of Cash Deposit made through on-line:

59). It is respectfully submitted that all the money transactions through bank account, were reflected in the account statement of the above bank account owned by Tr.M.Sibichakravarthy, who is the brother-in-law of the petitioner/accused. Therefore, it is clear that the petitioner/accused Tr.P.Kumar, the then Deputy Superintendent of Police, NIB-CID, Salem, threatened the Ganja sellers, who were residing within the *jurisdiction of Salem NIB-CID and made them to deposit bribe amounts in the account of his brother in law Tr.M.SibiChakravarhty, with his consent. He adopted the above strategy of getting money through bank account of his brother in law only to avoid the direct evidences for the receipt of bribe in view of escaping from the clutches of law."*

8. The learned Government Advocate (Crl.Side) appearing for the first respondent submitted that it is not in dispute that the petitioner is a Police Officer, and the *de facto* complainant is an accused involved in narcotic offences. However, the allegation itself is that the petitioner/accused, being a police officer, had demanded illegal gratification as maamool regularly for not registering cases against the *de facto* complainant and her relatives, who were drug offenders. He further submitted that based on the complaint given by the *de facto* complainant, a preliminary enquiry was conducted and on 28.04.2018, the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Salem had examined the witnesses and recorded their statements and later, several witnesses were also examined. He further submitted that only after obtaining permission from DVAC to register a regular case, the case came to be registered on 21.07.2019 and thereafter, house search was conducted at Tanjore,

Namakkal and Coimbatore and Search Reports were handed over to the Special Court, Salem and later, the case was handed over to one Thangamani, Inspector of Police, Vigilance and Anti-Corruption, Salem for further investigation and the accounts relating to Sibichakaravarthy (A3), brother-in-law of the petitioner had also been taken and the records show that several deposits have been made by the complainant to the account of A3 over a period of time.

9. He further submitted that there are enough materials by way of telephonic conversations to show that the petitioner had demanded and obtained bribe from the complainant. He also submitted that only based on prima facie materials and evidence, the case has been registered and investigation is going on and thereby, at this stage, roving enquiry or mini trial cannot be conducted under Section 482 of Cr.P.C and there are prima facie materials exposing the involvement of the petitioner in the offence and also there are evidence to show that the petitioner and his brother-in-law (A3) were in constant touch with the complainant. He further submitted that the investigation is now at crucial stage and thereby, he prayed for dismissal of the petition.

10. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the first respondent and perused the materials available on record.

11. It is the case of the petitioner that he is an honest officer and a false complaint has been registered against him and thereby, the present petition has been filed seeking to quash the First Information Report. However, it is seen from the records that the petitioner was working as Deputy Superintendent of Police, NIBCID and the allegation against him is that he has demanded and received monthly maamool from the *de facto* complainant and her family members, who were involved in trading and peddling of drugs. The respondent has conducted preliminary enquiry and thereafter, based on the telephonic conversations and deposit of amount into the account of A3, who is the brother-in-law of the petitioner herein, had registered the case. It is also submitted by the prosecution that the recordings of telephonic conversations have been sent for forensic analysis and found that the voice in the telephonic conversations tallied with that of the petitioner to show the involvement of the petitioner in the offence. Further, the account statements from the Bank have also been

recovered and they speak about the money transactions. This Court further finds that the respondent had also conducted preliminary enquiry and later, based on the materials collected, had registered the case. In such circumstances, this Court finds that the petitioner has not made out a case for quashing the First Information Report. It is also submitted that the investigation has been completed and the respondent is also ready to file final report. The prima facie materials disclose a case against the petitioner and no ground has been made out for quashing the First Information Report.

12. In the result, this Criminal Original Petition stands dismissed. Further, it is made clear that what has been observed by this Court is only for the purpose of disposal of this petition alone, which shall not prejudice the rights of the petitioner during the course of trial and the trial Court may not be influenced/inhibited by the observations made by this Court and it shall conduct the trial independently, in accordance with law. Consequently, the connected miscellaneous petition is closed.

18.10.2023

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
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To

1. The Additional Superintendent of Police,
   Vigilance and Anti - Corruption,
   Salem District.

2. The Public Prosecutor,
   High Court of Madras.

A.D.JAGADISH CHANDIRA, J.

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Crl.O.P.No.21609 of 2023
and Crl.M.P.No.14924 of 2023

18.10.2023