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Crl.O.P.No.25580 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.25580 of 2019 and
Crl.M.P.No.13694 of 2019

1.S.Mohanraj
2.B.Velayutham ... Petitioners / Accused

/vs/

1.The State
Rep by its Inspector of Police,
T-6, Avadi Police Station,
Avadi, Chennai.

2.P.Subuthai ... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. to call for the records and quash the FIR in Crime No.697 of 2019 on the file of the Inspector of Police, T-6, Avadi Police Station, Avadi, Chennai.

For Petitioners ... Mr.X.Selvam Sounder

For Respondents ... Mr.A.Gopinath,
Govt. Advocate (Crl.Side) for R1
Mr.B.Harikrishnan for R2



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ORDER

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This Criminal Original Petition has been filed to call for the records and quash the FIR in Crime No.697 of 2019 on the file of the Inspector of Police, T-6, Avadi Police Station, Avadi, Chennai.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the first respondent and the learned counsel for the second respondent.

3. On the complaint given by the Town Planning Officer of Avadi Municipality on the allegation that on 16.08.2019, the first petitioner came to the office of the complainant and pretended himself as someone who was working in the Vigilance Department and told them that the Superintendent of Police wanted to talk to the staff. The complainant had attended the phone call and thereafter enquired in the section whether any one has come from the Vigilance Department. When the first accused was enquired, he has given inconsistent details about himself and when the number from which the call was received was verified, it was found that the number pertained to Preethi Motors. The person who had called through phone was found to be



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one Subbu and the complainant came to know that he was the person who sold the plot. The petitioners were in the habit of threatening the officials by stating that they belonged to Vigilance Department and thus got the approval of the files at an early date. Since the petitioners continued to cheat the officials by impersonating the Government officials, a case has been registered under Sections 170 and 506(i) of I.P.C.

4. The learned counsel for the petitioners submitted that even from the allegations of the FIR, it is seen that the first petitioner has stated that he was working in the Vigilance Department; the word 'Vigilance' means 'being watchful'; it does not refer to any department; even the FIR does not disclose that the petitioners have impersonated the Government Official; in the absence of such ingredient, no offence under Section 170 of IPC can be made out; the first petitioner belongs to one NGO by name Tamil Nadu Anti Bribe Movement and he is a physical labourer by profession; the petitioners never claimed themselves as the officials of the Vigilance Department and hence no offence against the petitioners will be made out; even though the allegations might make out an incident of nuisance, no criminal offence is



made out.

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5. The learned Government Advocate (Crl.Side) submitted that the petitioners proclaimed themselves that they belonged to the Government Department and thereby threatened the officials to get their work done; the main allegation is that they were in the habit of threatening the Government officials; therefore, there are sufficient ingredients available to make out the offence against the petitioners.

6. The learned counsel for the second respondent reiterated the allegations made in the FIR and submitted that the motive of the petitioners is to extract money by threatening the public servants by pretending themselves as Vigilance Officers; the complainant is a public official and she did not have any previous motive with the accused.

7. Since the complaint has been originated from the public officer, the allegations have to be scrutinized with all seriousness. Further it is alleged that the petitioners pretended themselves as the persons working in the



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Vigilance department and influenced the officials to dispose the files at the earliest.

8. In a common parlance, people use the word 'vigilance' for referring any one comes from the Vigilance Department. So the grammatical interpretation of the words cannot be taken as a serious ground for quashing the proceedings. The allegation against the petitioners is that they had pretended themselves as persons hailing from a serious Government office like Vigilance Office and they terrified the public officials.

9. The first petitioner has got an Identity Card which would show that he is a member of the Tamil Nadu Anti Bribe Movement. If he is interested in the Anti Bribe activities, it would have been appropriate for him to highlight any acts done by any of the public officials by seeking bribes. But he is not expected to misuse the Identity Card and confuse the public official and get the work done by threatening them. The FIR has got the ingredients to show the manner in which the first petitioner approached the officials of the Avadi Municipality is to terrify them and get the work done faster. Since



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there is an element of dishonesty and it is reflected in the FIR, it is for the prosecution to investigate the case and find out which are the offences are actually made out. At this stage, I do not find any reasons to stick on the technicalities and dilute the seriousness of the allegations.

10. For the above stated reasons, this Criminal Original Petition is dismissed. The respondent is directed to complete the investigation and file a final report within a period of two months from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed.

03.01.2023

Index: Yes/No
Internet: Yes/No
gsk



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To

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- 1.The Inspector of Police,
T-6, Avadi Police Station,
Avadi, Chennai.
- 2.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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