



Crl.O.P.(MD)No.16339 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.09.2023**

CORAM

THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P.(MD)No.16339 of 2023

and

Crl.MP(MD)No.12999 of 2023

Y.Baskaran

... Petitioner/Accused No.1

Vs.

1.The State rep by
The Deputy Superintendent of Police,
Vigilance & Anti-Corruption,
Karur, Karur District.

2. The Inspector of Police,
Vigilance & Anti-Corruption,
Karur District.
Crime No.6/AC/2021

... Respondents/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records relating to the impugned FIR in Crime No.6/AC/2021 dated 13.08.2021 on the file of the second respondent police and quash the same as illegal insofar as the petitioner is concerned.



CrI.O.P.(MD)No.16339 of 2023

For Petitioner : Mr.R.Murugan
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking quashment of the impugned FIR in Crime No.6/AC/2021 dated 13.08.2021, on the file of the second respondent police.

2. The case of the prosecution is that at the time of occurrence, the petitioner was working as Registrar (Administering), Karur District. On 12.08.2021, at about 08.30 p.m, based on the secret information, the second respondent intercepted the vehicle bearing Reg.No.TN-46-H-2444 and seized the amount of Rs.20,000/- from the petitioner and Rs.28,000/- from the driver of the petitioner and registered a case against them in Crime No.6/AC/2021 for the offences under Section 7, 7 r/w 12 of Prevention of Corruption Act, 1988 as amended in 2018. Thereafter, the petitioner was suspended from service on 19.09.2021.



CrI.O.P.(MD)No.16339 of 2023

WEB COPY

3. The learned counsel for the petitioner submitted that the amount seized by the respondent police was Rs.20,000/-. Out of which, Rs.19,000/- was withdrawn by the petitioner on 11.08.2021 from the SBI ATM. Remaining amount of Rs.1,000/- was kept in his pocket for his personal needs. Hence, the petitioner has not committed any offence as alleged by the prosecution. Hence, he prayed for quashment of FIR in Crime No.6/AC/2021 by allowing this petition.

4.The learned Additional Public Prosecutor submitted that the respondent police conducted investigation and filed action dropped report in Action Dropped Case No.3 of 2023, before the Chief Judicial Magistrate Karur, and the same was accepted with the following observation:

Upon careful scrutiny of the material, the Investigation Officer is the competent person to collect materials and if the materials to strengthen the case he could be laid a final report. But, now he wants to close the FIR because there is no materials found to charge against the accused.



CrI.O.P.(MD)No.16339 of 2023

Hence, after considering all the facts and circumstances, this Court is inclined to accept the action dropped report submitted by the Inspector of Police, V & AC and accordingly the FIR is closed and the amount of Rs.20,000/- seized from the first accused and Rs.28,000/- from the second accused (in total Rs.48,000/-) relates to R.P.No.7/21 referred to the department which is annexed with the departmental enquiry.

5. Recording the submission made by the learned Additional Public Prosecutor, this Criminal Original Petition is closed. Consequently, the connected Criminal Miscellaneous Petition is closed.

11.09.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss



Crl.O.P.(MD)No.16339 of 2023

WEB COPY

- To
1. The Deputy Superintendent of Police,
Vigilance & Anti-Corruption,
Karur, Karur District.
 2. The Inspector of Police,
Vigilance & Anti-Corruption,
Karur District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



Crl.O.P.(MD)No.16339 of 2023

K.K.RAMAKRISHNAN,J.,

dss

Order made in
Crl.O.P.(MD)No.16339 of 2023
and
Crl.MP(MD)No.12999 of 2023

11.09.2023