



CrI.O.P.(MD).No.4283 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated:18.08.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

CrI.OP.(MD).No.4283 of 2023

and

CrI.M.P(MD).No.3789 of 2023

S.Vaikundarajan

... Petitioner

Vs.

1.The Deputy Inspector of Police,
Central Bureau of Investigation,
Anti Corruption Branch,
Chennai.
(Crime No.MA1 2012 A 0055)

2.The Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Branch,
Chennai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to
call for the records and to quash the proceedings in Crime No.RC MA1
2012 A 0055 on the file of the Deputy Inspector General of Police, Central



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Bureau of Investigation, Anti Corruption Branch, Chennai.

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For Petitioner : Mr.P.M.Manoj Pandian for
Mr.S.Elambharathi

For Respondents : Mr.C.Muthu Saravanan
Special Public Prosecutor for CBI

ORDER

This Criminal Original Petition has been filed to quash the proceedings in Crime No.RC MA1 2012 A 0055, on the file of the Deputy Inspector General of Police, Central Bureau of Investigation, Anti Corruption Branch, Chennai.

2. Today (17.08.2023), when the matter was taken up for hearing, the learned Special Public Prosecutor appearing for CBI, filed a counter affidavit stating that the petitioner is not arrayed as an accused. Paragraph No.15 of the counter affidavit reads as follows:

15. The followings are the para wise counter to the grounds filed by the petitioner:

15.1. With regard to ground (a) and (b) and



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to the contention of the petitioner that the money transaction from the account of the petitioner to the account of A5 are genuine and that there are records to show that these transaction was for purchase of property and that all the documents have already been accepted and appreciated by judicial pronouncement is not correct. In fact, by order dated 11.01.2022 made in the Review Application No.95 of 2016 in C.R.P. (NPD).No.1065 of 2016 this Hon'ble High Court has expugned the paragraph No.11 and words (Which off course does not appear to be corrected) and (if need be) in paragraph No.21 in the order dated 28.04.2016 made in C.R.P.(NPD).No.1065 of 2016.

15.2. As far as the averment made in ground (c) is concerned the offence of conspiracy could even be inferred from the circumstances and that it need not be proved through direct evidence with regard to the allegation.

15.3. So far as the ground (d) that the respondent cannot sustain his allegation of Mal-Transaction alleged in the FIR is not correct since the FIR in RCMA1/2012 A0055, on completion of



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investigation culminated into charge sheet which was taken cognizance by the competent Court in C.C.No.5 of 2020 and is pending trial. Once the charge sheet came to be filed the FIR becomes the part of the document in the charge sheet and that the allegation mentioned in the charge sheet would be proved during trial.

15.4. With regard to the averment made in ground (e) and (f) the respondent would say that the respondent has not arrayed the petitioner as accused in the charge sheet pending trial in C.C.No.05 of 2020, on the file of the Special Court of the CBI, Madurai and hence the allegation in these ground needs no interference.

15.5. With regard to ground (g) and (h) the averments made by the petitioner is only his apprehension and that cannot be termed as abuse of process of law. The petitioner whose name does not find place in the charge sheet relied on by the respondent cannot challenge the final report on the grounds of abuse of process of law.



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3. From the above extraction, it is revealed that the petitioner is nor arrayed as an accused in the above mentioned crime number as on date. In view of the above, this criminal original petition stands closed with liberty to file a fresh quash petition, if the Investigation Officer, arrayed the petitioner as accused in future. Consequently, connected miscellaneous petition is closed.

18.08.2023

NCC :Yes/No

Index :Yes/No

Internet :Yes/No

sbn

To

- 1.The Deputy Inspector of Police,
Central Bureau of Investigation,
Anti Corruption Branch,
Chennai.
- 2.The Superintendent of Police,
Central Bureau of Investigation,
Anti Corruption Branch,
Chennai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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