



Crl.O.P.(MD)No.556 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 10.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

Crl.O.P.(MD) No.556 of 2023

G.Gomathi Sankar ... Petitioner/Sole Accused

Vs.

1.State rep. by
The Inspector of Police,
Vigilance and Anti Corruption,
Thoothukudi Detachment.
(Crime No.5 of 2019) ... 1st Respondent/Complainant

2.R.Balamurugan ... 2nd Respondent/Defacto Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to call for the records pertaining to the complaint in Special Case No.2 of 2020 on the file of the Chief Judicial Magistrate Cum Special Judge, Thoothukudi and quash the same as illegal.

For Petitioner : Mr.B.Ramkumar Adityan

For Respondents : Mr.S.Ravi for R1
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to quash the complaint in Special Case No.2 of 2020 on the file of the Chief Judicial



Magistrate Cum Special Judge, Thoothukudi.

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2.The petitioner is facing charges under Section 7(a) of the Prevention of Corruption Act, 1988 as amended by the Prevention of Corruption (Amendment), Act, 2018. As per the case of the prosecution, the defacto complainant is running a 'prasad stall' in Arulmighu Subramaniya Swamy Temple, Tiruchendur. He wanted to start a Finance Company under the name of 'Shanmuga Finance' in Tiruchendur. He applied for money lender's licence through online on 30.04.2019. On 02.05.2019 at about 3.30 p.m. and on 03.05.2019 at about 01.00 p.m., when he met the accused, who was working as Head Quarters Deputy Tahsildar, Tiruchendur, demanded Rs.20,000/- as illegal gratification for the purpose of issuing licence. On the basis of the complaint given by him, case was registered and trap was made. He was arrested on 06.05.2019 at about 4.30 p.m. and when he demanded and accepted illegal gratification. After completing the formalities of investigation, final report was filed charging the petitioner under Section 7 (a) of Prevention of Corruption Act as amended in 2018. Pending the above said prosecution, he filed this petition seeking quashment of charges.

3.The learned counsel for the petitioner submitted that he has



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raised the present point in the earlier application also, that was not considered by this Court, if it is his grievance he ought to have taken proper steps ventilating his grievances. Now he filed discharge petition before the concerned court and also taken in Crl.M.P.No.2334 of 2021. The very same ground has been raised in the pending matter. In the above circumstances, the very same point cannot be re-agitated by way of filing of this petition. So this ground cannot be taken into account. With regard to the second ground that there is defect in the sanctioning order, the petitioner is at liberty to challenge the same during the course of trial. I find no reason to entertain this petition at this length point of time.

4.In the above circumstances, there shall be a direction to the trial Court to complete the proceedings in Crl.M.P.No.2334 of 2019, within a period of two months from the date of receipt of a copy of this order.

5.With the above directions, this criminal original petition is dismissed.

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Index : Yes/No
Internet : Yes/No
TM

To



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- 1.The Chief Judicial Magistrate Cum Special Judge, Thoothukudi.
- 2.The Inspector of Police,
Vigilance and Anti Corruption,
Thoothukudi Detachment.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGOVAN. J.

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