



CrI.OP.No.2230 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.No.2230 of 2024

and

CrI.M.P.No.1606 of 2024

P.V.Ganapathi,
S/o.P.Gangayya

... Petitioner

Vs.

1. The State Represented by,
Inspector of Police,
Yanam, Union Territory of Puducherry,
(Crime No.20/2008)

2. M.Thaniga Salam

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., to call for the records pertaining to the FIR registered in Crime No.20 of 2008 on the file of the Inspector of Police, Yanam Police Station, Yanam, Union Territory of Puducherry and quash the same.

For Petitioner : Mr.N.G.R.Prasad
for Mr.L.Parvinbanu

For Respondent : Mr.K.S.Mohandass
Public Prosecutor (Pondicherry) [R1]
No appearance [R2]



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ORDER

This Criminal Original Petition has been filed seeking to quash the First Information Report in Crime No.20 of 2008 pending investigation on the file of first respondent.

2. When the matter came up for hearing on 27.02.2024, this Court passed the following order:

"Mr.K.S.Mohandass, learned Public Prosecutor takes notice for the first respondent.

2. Notice to the second respondent returnable by 19.03.2024. Private notice is also permitted.

3. In the instant case, FIR was registered in the year 2008 by the first respondent Police. For the very same charge, the departmental proceedings was also initiated against the petitioner and an enquiry officer was appointed. The enquiry officer on the completion of the enquiry came to the following conclusion:

"6. In brief, on a careful perusal of the records and evidences forgery has been committed. The payment of cash has been received by Thiru.P.V.Ganapathi Rao, as he has been authorized to receive payment. The entire amount of Rs.1,17,000/- has been recovered and remitted back in the Govt. Account. Eventhough there is no pecuniary loss to the Government, he had violated the rules and regulations of the central civil services Act.

7. I am very much convinced and it is true that the charge sheeted Govt. Officer Thiru P.V.Ganapathi Rao had forged the signature of Mrs.T.P.Santhi, the Principal in charge of Dr.B.R.Ambedkar Polytechnic College, Yanam and drawn the cheques from Indian Bank, Yanam to the



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tune of Rs.1,17,000/- dated 28.07.2006, 04.08.2006, 31.08.2006 and 02.09.2006, Rs.27,0000/-, Rs.30,000/-, Rs.30,000/- and Rs.30,000/- respectively. Eventhough there is no pecuniary loss to the institution as he has paid fulll the entire amount his misconduct of misappropriation of Govt. money and forgery are highly irregular and hence suitable action may be taken against the charge sheeted Govt. Officer, Thiru P.V.Ganapathy Rao."

4. Mr.N.G.R.Prasad, learned counsel appearing for the petitioner submitted that the departmental proceedings did not reach its logical conclusion and nothing was done after the enquiry report was submitted. Parallelly, the criminal prosecution that was launched in the year 2008 also did not progress and the petitioner is due to retire in May, 2024.

5. The status report filed before this Court today by the first respondent Police shows that the case file itself was not received by the SBCID Police till date and some more time is sought for to check the status of the case.

6. It is nearly 16 years since the FIR was registered and the very pendency of the criminal case is a sufficient punishment that has already been suffered by the petitioner. Therefore, this Court is inclined to pass final orders after hearing the learned Public Prosecutor for the first respondent and also the second respondent.

7. Post this case under the caption 'for orders' on 19.03.2024."

3. Pursuant to the above order, the matter was listed on 19.03.2024.

It was informed to this Court that the second respondent has been served and the affidavit of service has also been filed. Hence, this Court directed the registry to verify if any vakalath has been filed on behalf of the



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second respondent. Accordingly, the matter was directed to be listed today.

4. When the matter was taken up for hearing today, there is no appearance either in person or through counsel on the side of the second respondent.

5. Heard Mr.N.G.R.Prasad, learned counsel for petitioner and Mr.K.S.Mohandass, learned Public Prosecutor (Pondicherry) appearing for first respondent.

6. In the considered view of this Court, the First Information Report has been pending in this case for more than 16 years and it has not seen the light of the day. The departmental proceedings were also concluded and the report of the enquiry officer has already been extracted supra. The very pendency of this criminal case for more than 16 years is sufficient punishment given to the petitioner. No useful purpose will be served in keeping the case pending at this length of time. Hence, this Court is inclined to exercise its jurisdiction under Section 482



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Cr.P.C.

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In the result, this Criminal Original Petition is allowed and the First Information Report in Crime No.20 of 2008 on the file of first respondent is hereby quashed. Consequently, connected miscellaneous petition is closed.

27.03.2024

Note: Issue order copy by 01.04.2024

Speaking Order/Non-speaking Order

Index : Yes/No

Neutral citation: Yes/No

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To

1. The Inspector of Police,
Yanam, Union Territory of Puducherry,
(Crime No.20/2008).

2. The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH, J.



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