



CrI.O.P.No.13748 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.13748 of 2024

and

CrI.M.P.No.8371 of 2024

P.Victoria

... Petitioner

Vs.

1.The State rep.by
The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.

2.The Tahsildar,
Thirupathur Taluk,
Thirupathur District.
Respondents

...

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to call for the records in FIR No.590 of 2021 on the file of the 1st respondent police, Thirupathur and quash the same as against the petitioner.

For Petitioner : Mr.Balan Haridas

For Respondents : Mr.S.Udayakumar
Government Advocate (CrI.Side)



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ORDER

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The petitioner herein been shown as suspected accused in a complaint registered by the respondent police pursuant to the direction of this Court passed in W.P.No.21211 of 2010 is before this Court stating that the direction of this Court in the said Writ Petition is only to register the complaint against the persons who have committed irregularity in getting appointment as Village Assistant. Whereas, this petitioner have not committed any irregularity and her appointment already been regularized.

2. Further, the learned counsel appearing for the petitioner would submit that similarly placed accused persons were approached this Court seeking quash of the FIR and got succeeded. Therefore, on parity, the petitioner has to be exonerated and no criminal enquiry be conducted causing harassment.

3. The learned Government Advocate (CrI.Side) appearing for the respondent police would submit that it is incorrect to say that the person against whom the criminal complaint quashed are similarly placed that of this petitioner. Furthermore, the irregularity in obtaining



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appointment does not only touch upon the residential status, but also other aspects and therefore, a proper investigation is required in this case.

Hence this Court in Writ Petition has thought fit to register the complaint and proceed further. In the course of investigation, the submissions of the petitioner and the out come of the Writ Appeal filed by them will also taken note of.

4. This Court, after perusing the records and hearing the learned counsel, finds that since there has been a material to show that in appointment of 13 Village Assistants, there is an irregularity. The Court has directed to probe into it and accordingly Crime No.590 of 2021 been registered and the investigation is under way.

5. Meanwhile, in a collateral proceedings whether the appointment of Village Assistant who are residing beyond the territorial jurisdiction of the village was considered and orders been passed. As far as the investigation which is now under challenge encompass the issue whether the petitioners herein are the residence of the concerned village or not and there also the other issue to be probed into, but in any case all those issue must be investigated and on subjective satisfaction of the



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material available, the Investigating Officer shall take call regarding the nature of the report to be filed on completion of investigation. It is open to the petitioner herein to challenge the report, if they are aggrieved. Hence it is not appropriate to interfere in the investigation at this stage when material to suspect illegality in obtaining the appointment.

6. In view of the above, this Criminal Original Petition is dismissed. Consequently, the connected Criminal Miscellaneous Petition is also dismissed.

13.06.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Inspector of Police,
Thirupathur Town Police Station,
Thirupathur District.

2.The Tahsildar,
Thirupathur Taluk,
Thirupathur District.

3.The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

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