



Crl.O.P.No.11215 of 2024

and

Crl.M.P.Nos.7605 & 7603 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on :27.06.2024

Pronounced on :02.07.2024

CORAM:

THE HONOURABLE DR JUSTICE G.JAYACHANDRAN

Crl.O.P.No.11215 of 2024

and

Crl.M.P.Nos.7605 & 7603 of 2024

R.Pandyane

.. Petitioner

/versus/

1.The Inspector of Police,
CID Police Station, Puducherry,
(Crime No.15 of 2021)

2.Counalane Satis,
Office Superintendent,
Establishment-I(A) Section,
Police Department,
Puducherry.

.. Respondents

Criminal Original Petition has been filed under Section 482 of Cr.P.C., praying to call for the records of the final report/charge sheet in C.C.No.93 of 2024 on the file of the Chief Judicial Magistrate, Puducherry and quash the same.



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For Petitioner :Mr.S.P.Sudalaiyandi

For Respondents :Mr.K.M.Mohan Dass
P.P.(Pondy) for R1

Service awaited for R2

ORDER

This Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records in C.C.No.93 of 2024 on the file of the Chief Judicial Magistrate, Puducherry and to quash the same.

2. The petitioner herein participated in the recruitment process for the post of Sub Inspector of Police conducted by the Puducherry Government in the year 2003-2004. Though he secured only 57 marks, taking advantage of his access to the examination documents, he obtained certain information through RTI by fabricating the records and represented that as he had secured 87 marks and become eligible for the post of Sub Inspector. Using the fabricated and forged documents as genuine he moved the Central Administrative Tribunal, Madras Bench



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and sought for direction to post him as Sub Inspector of Police in the given seniority and got order illegally. Since the tampering of records and falsification of documents had come to light, the complaint was registered in Crime No.15 of 2021 by CID Police Station, Puducherry on 23.10.2021 for the offences under Sections 476, 468 and 471 of IPC.

3. On completion of investigation, final report filed on 19.02.2024 and the same been taken on file by the Chief Judicial Magistrate, Puducherry in C.C.No.93 of 2024.

4. The petitioner prays to quash the final report on the ground that after intervention of the order passed by the Central Administrative Tribunal, he had been appointed as Sub Inspector of Police on 22.05.2004 and was subsequently granted promotion as Inspector of Police with pay and other emoluments.



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5. According to the petition, when notification for the post of Sub Inspector of Police published during the year 2004, the petitioner was working as Head Constable in Villianur Police Station, Puducherry and participated in the selection process and secured high marks and thereafter, the result was published by the Selection Committee.

6. Despite performing well in the examination, his name was not found in the list and therefore, he sought information from the second respondent under RTI which disclosed that he had secured 87 marks, out of 110 marks and as a consequence, he has been selected as Sub Inspector of Police.

7. After lapse of 16 years, the criminal case has been registered, as if he had access to the records and manipulated it in his favour. Thereafter, obtained information through RTI by tempering the records by correcting his marks in Paper-II as '87' marks, instead of 57 marks and qualified himself for the post of Sub Inspector of Police in the



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recruitment. The complaint filed on presumption and assumption has culminated in filing of the final report without proper investigation. The final report for the offences under Sections 467, 468 and 471 of IPC is filed without jurisdiction and liable to be set aside.

8. Regarding the variation in the result published by the Selection Committee, W.A.No.2210 of 2023 is pending before the High Court. To escape the clutches of allegation, the police has hurriedly filed the final report in the matter *subjudice*. The Chief Judicial Magistrate before taking the final report on file ought to have perused the statements of the witnesses, which could clearly reveal that the final report is based on the false information and abuse of process of law.

9. The learned counsel appearing for the petitioner rely upon the judgment of the Hon'ble Supreme Court in *Vishnu Kumar Shukla and another v. The State of Uttar Pradesh and another* reported in [2023 SCC OnLine SC 1582] and submit that it would be unjustified to make the petitioner face a full-fledged trial, when there is no material to suspect



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the petitioner for any offence. The petitioner has to be protected from vexatious and unwarranted criminal prosecution, which has initiated to wreck vengeance against him, who has been accused by the Selection Committee for manipulation of results and the issue is being pending in the High Court.

10. On perusal of the records, this Court finds that the material collected during investigation makes out *prima facie* case to proceed against the petitioner for the offences under Sections 467, 468 and 471 of IPC. The incriminating materials against the petitioner are the manipulated information which was furnished under RTI Act to enable the petitioner herein to secure the post of Sub Inspector of Police. The statements of the witnesses indicate that as Head Constable in the Police Force, the petitioner had access to the record and influenced the Information Officer to furnish false information under RTI Act. By furnishing fabricated and false documents the petitioner has secured the post of Sub Inspector of Police.



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11. This case requires a full-fledged trial. Just because the petitioner has filed the writ petition seeking CBCID enquiry against the Selection Committee and the same is pending, it cannot be a reason to hold that the version of the petitioner is true and the material placed against him in the final report, has to be ignored. The judgment cited by the petitioner herein has no application to the facts of the present case and therefore, this Criminal Original Petition filed to quash the final report stands dismissed. Consequently, connected Miscellaneous Petitions are closed.

02.07.2024

Index:yes/no

Internet:yes/no

Speaking order:yes/no

Neutral citation:yes/no

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To

1.The Chief Judicial Magistrate, Puducherry.

2.1.The Inspector of Police, CID Police Station, Puducherry,
(Crime No.15 of 2021)

3.Counalane Satis, Office Superintendent, Establishment-I(A) Section,
Police Department, Puducherry.

4.The Public Prosecutor, High Court, Puducherry.



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Dr.G.JAYACHANDRAN,J.

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