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Crl.O.P.No.24113 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 27.02.2024**

**CORAM**

**THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI**

Crl.O.P.No.24113 of 2022

and

Crl.M.P.Nos.15279 & 15280 of 2022

D.Mahendran

... Petitioner

Vs.

The District Superintendent of Police,  
District crime Branch, Thiruvarur.  
Crime No.3 of 2011.

... Respondent

**Prayer:** Criminal Original Petition filed under Section 482 of Cr.P.C.,  
praying to call for the records with respect of C.C.No.8 of 2016 before the  
learned Judicial Magistrate, Thiruthuraipoondi and quash the same.

For Petitioner : Mr.R.Nalliappan

For Respondent : Mr.S.Vinoth Kumar  
Government Advocate (Crl.Side)



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## ORDER

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The petitioner has filed this petition to quash the C.C.No.8 of 2016 before the learned Judicial Magistrate, Thiruthuraipoondi, in which cognizance was taken for the offence punishable under Sections 409, 465, 467, 468, 471, 477(A) & 120(B), 409, 408, 467, 468, 471 and 477(A) IPC r/w 109 IPC.

2. The learned counsel for the petitioner submitted that pursuant to the departmental action against the petitioner, the respondent police was directed to conduct preliminary investigation and as such Criminal case has been prosecuted against the petitioner, now the departmental enquiry categorically holds that the charges levelled against the petitioner is not correct, hence he was discharged from all sets of charges, under such circumstance the criminal proceedings are not sustainable. He further submitted that the Executing Officer of the Municipality and the ward members only violated the guidelines in disbursing the relief amount, which suffice to holds that the petitioner being the Revenue Inspector the petitioner has no role in the above occurrence. Hence, he prays to quash the proceedings against the petitioner.



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3. The learned Government Advocate (Crl.Side) submitted that out of 86 witnesses 76 witnesses were examined and raised strong objection to quash the proceedings in C.C.No.8 of 2016.

4. Considering the facts and circumstance, this Court is not inclined to quash the proceedings in C.C.No.8 of 2016 on the file of the Judicial Magistrate , Thiruthuraipoondi. However, liberty is granted to the petitioner to work out his remedy before the trial Court in the manner know to law. On considering the age of the petitioner, the personal appearance of the petitioner before the trial Court is ordered to be dispensed with and the petitioner is directed to appear if his appearance is necessary.

5. Accordingly, this Criminal Original Petition is closed. Consequently, the connected miscellaneous petitions are closed.

27.02.2024

Index: Yes/ No

Neutral Citation: Yes/No

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**T.V.THAMILSELVI, J.**

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- 1.The District Superintendent of Police,  
District crime Branch, Thiruvavur.  
Crime No.3 of 2011.
2. The Public Prosecutor,  
High Court of Madras.

Crl.O.P.No.24113 of 2022  
and  
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