



Crl.O.P.(MD).No.2308 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

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Saravanan

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.

2.The Inspector of Police,
Thuraiyur Police Station,
Trichy District.

3.Rajammal

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct first Respondent Police to instruct the second Respondent Police not to harass the Petitioner without any legally sustainable complaint and to direct the first and second Respondents to follow the guidelines issued by the Hon'ble Supreme Court in D.K.Basu (1997 1 SCC 416) case in matters pertaining to arrest or interrogation.

For Petitioner : Mr.K.Prakash

For R-1 and R-2 : Mr.M.Veeranthiran
Government Advocate
(Criminal Side)



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ORDER

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The learned Counsel for the Petitioner submitted that the Petitioner had filed this Petition seeking direction against the Respondents 1 and 2 not to harass the Petitioner based on the complaint of the third Respondent, who is none other than wife of the Petitioner's brother.

2. It is the further submission of the learned Counsel for the Petitioner that the son of the third Respondent, who is the nephew of the Petitioner herein, had completed B.E course. The third Respondent approached the Petitioner to arrange a job for her son. On enquiry, the Petitioner came to know that the two persons in Salem namely, Senthil Kumar and Kumanan are arranging job in Government sector. On such enquiry, the Petitioner accompanied the third Respondent and approached the said persons at Salem to get Government job for the nephew of the Petitioner. The said persons introduced the Petitioner and the third Respondent to one Rajavethiyan, to whom the amount to the tune of Rs.13,00,000/- (Rupees Thirteen Lakh only) was given, but they did not provide job for the nephew of the Petitioner, the son of the third Respondent. Therefore, the third Respondent had lodged a complaint with the second Respondent, based on which a case was registered in Crime No.38 of 2024 dated 13.02.2024 for offences punishable under Sections 406, 465, 468, 471 and 420 of IPC.



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3. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 and 2 would submit that based on the complaint of the third Respondent, a case has been registered by the second Respondent in Crime No.38 of 2024 for offences punishable under Sections 406, 465, 468, 471 and 420 of IPC. The learned Government Advocate (Criminal Side) further submitted that the said Rajavethiyan issued an appointment order, which was forged letter. Therefore, the Petitioner alone was arrayed as sole accused.

4. Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), it is found that the case had already been registered. Therefore, the Petitioner is duty bound to co-operate with the pending investigation. The Respondents 1 and 2 are directed to act as per the reporting ruling of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State of Uttar Pradesh*** reported in ***2014 (2) SCC 1*** and in the case of ***Arnesh Kumar Vs State of Bihar*** reported in ***2014 (8) SCC 273***, by issuing proper summons and by specifying the date and time for appearance of the Petitioner.

5. This Court is of the view that the Respondents 1 and 2 are directed that on arrest of the said Rajavethiyan, if the amount is seized, the amount shall not be returned to the complainant party, as they are indulging in illegal act of



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obtaining job in Government sector through agents, when the Government is conducting competitive exams for eligible candidates to fill up Government posts. Day in and day out we come across many cases, where public in Tamil Nadu are ready to pay any amount for securing Government jobs, which means they are encouraging corruption in the society. Those who secured jobs on payment of amount to brokers will also become corrupt officers for the State, thereby defeating the purpose for which the Government Departments are working. They by their conduct prevent talented, competent youth entering Government Services. Therefore, if similar cases arise in future, the amount that is secured from the accused who are alleged to have promised to provide Government jobs on payment of money, shall be forfeited/lapsed to the State. This will serve the purpose of recruiting competitive youngsters in Government sectors, instead of spoiling the system.

6. With the above directions, this Criminal Original Petition is disposed of.

14.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.
- 2.The Inspector of Police,
Thuraiyur Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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